

**ORDINANCE NO. 435**

(As amended by Ordinance 479)

**SUBDIVISION ORDINANCE**

**FOR**

**THE CITY OF BLUE LAKE**

**STATE OF CALIFORNIA**

**ADOPTED MAY 9, 1995**

**CITY OF BLUE LAKE**

**SUBDIVISION ORDINANCE**

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## **ORDINANCE NO. 435**

**AN ORDINANCE OF THE CITY OF BLUE LAKE, CALIFORNIA, PROVIDING FOR REGULATIONS FOR SUBDIVISIONS IN THE CITY OF BLUE LAKE, AND REPEALING ORDINANCE NO. 390, AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH.**

**BE IT ORDAINED** by the City Council of the City of Blue Lake, Humboldt County, California, as follows:

### **ARTICLE 1.**

#### **PURPOSES, ADMINISTRATION, GENERAL PROVISIONS AND DEFINITIONS**

**101. ADOPTION.** There is hereby adopted, as provided herein, a subdivision ordinance for the City of Blue Lake, County of Humboldt, State of California.

**102. PURPOSES AND OBJECTIVES.** The subdivision ordinance is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically, the subdivision ordinance is adopted in order to achieve the following objectives:

**A.** To effectuate the General Plan of the City of Blue Lake as adopted by the City Council.

**B.** To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.

**C.** To provide streets of adequate capacity for the anticipated traffic which would utilize them and to ensure that they are designed to promote a safe traffic circulation system.

**D.** To accommodate new development in a manner which will preserve and enhance the City's living environment and create new beauty through skilled subdivision design.

**E.** To provide for water supply, sewage disposal, storm drainage and other utilities and facilities which are required by conditions of an urban environment.

**F.** To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to serve new developments are borne fairly and equitably by the subdivider rather than by property owners of the City at large.

**G.** To protect and enhance real property values.

**H. To provide rules and regulations governing the contents of tentative and final subdivision maps, land division drawings, records of survey, street dedication maps, the filing thereof and other matters related thereto.**

**I. To coordinate subdivision policies and regulations with those of the County of Humboldt in order to facilitate transition from county to municipal jurisdiction that land which is first developed in unincorporated territory and is subsequently annexed to the City and to ensure unimpeded development of such new urban expansion that is logical, desirable and in accordance with goals, objectives and policies of the General Plan of the City of Blue Lake.**

**J. To conform to the California Subdivision Map Act Sections 66410 through 66499.58, Government Code, State of California, and establish local authority in those areas of jurisdiction selected by the City and authorized by the Act. Issues not addressed by this ordinance are governed by the Subdivision Map Act and other controlling laws in all cases. The processing of issues not addressed by this ordinance shall be established by the City.**

**103. SHORT TITLE. This ordinance shall be known as the "Subdivision Ordinance."**

**104. ADVISORY AGENCY.**

**A. The Planning Commission of the City of Blue Lake, State of California, hereinafter referred to as the Planning Commission, is hereby designated as the "Advisory Agency" with respect to subdivisions as provided in Section 66415, Government Code, of the Subdivision Map Act, of the State of California.**

**B. The Planning Commission shall have all the powers and duties with respect to Tentative, Final and Parcel Maps and the procedure relating thereto, which are specified by law and by this ordinance.**

**105. RELATIONSHIP TO GENERAL PLAN AND SPECIFIC PLANS. A Subdivision Map shall conform to the principles and standards of the General Plan, and any Specific Plans of the City of Blue Lake, and elements thereof with respect to the type and intensity of land use, population densities and distribution, locations and sizes of public areas and rights-of-way, and improvement of streets.**

**106. RELATIONSHIP TO ZONING ORDINANCE. No land shall be subdivided and developed for any purpose not contemplated or specifically authorized by the Zoning Ordinance of the City of Blue Lake.**

**A Subdivision Map shall conform in all respects with applicable regulations of the Zoning Ordinance including uses of land, lot sizes and dimensions and space for off-street parking and off-street loading areas.**

**107. CONSTRUCTION AND DEFINITIONS. The definitions of words used in this ordinance, and the construction of the words in provisions thereof, shall be as follows:**



**A. Construction.** The following rules of construction shall apply unless inconsistent with the plain meaning of the content of this ordinance:

- 1. TENSE:** Words used in the present tense include the future tense.
- 2. NUMBER:** Words used in the singular include the plural, and words used in the plural include the singular.
- 3. SHALL and MAY:** The word "shall" is mandatory; the word "may" is permissive.
- 4. GENDER:** The masculine shall include the feminine and neuter.
- 5. HEADINGS:** In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this ordinance and the content thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such content.
- 6. OATH:** The word "oath" shall include affirmation.

**B. General Terminology.** The word "city" shall mean the City of Blue Lake, California. The words "City Council" and "Council" shall mean the City Council of the City of Blue Lake. The words "Planning Commission" and "Commission" shall mean the Planning Commission duly appointed by the City Council. The words "City Clerk" shall mean the City Clerk of the City of Blue Lake. The words "City Engineer" shall mean the City Engineer of the City of Blue Lake and shall include the responsibilities of a City Surveyor for those activities that must be performed by a Licensed Surveyor under the Licensed Survey Act of the State of California (Government Code 8772). The words "Director of Public Works" shall mean the Director of Public Works of the City of Blue Lake.

**C. Definitions.** For the purpose of this ordinance, certain words and terms used here are defined as follows:

- 1. ALLEY:** Any public thoroughfare, not exceeding thirty (30) feet in width, for the use of pedestrians and/or of vehicles which affords only a secondary means of access to abutting property.
- 2. BLOCK:** That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intersecting streets and railroad right-of-way, or unsubdivided acreage.
- 3. CIVIL ENGINEER:** A Civil Engineer registered in the State of California and authorized to practice Civil Engineering in the State of California.

4. **COLLECTIVE DRIVEWAY:** A private street serving more than one, but not exceeding six (6) dwelling units. Collective driveways will not be maintained by nor dedicated to the City.

5. **CROSS SLOPE:** The average grade of natural terrain along a line connecting the highest point of land to the lowest point of land within a parcel or lot.

6. **DESIGN:** The preparation of plans, specifications and construction estimates for all infrastructure components. This includes street alignment, contour and width; the alignment and width of easements; the rights of way for drainage, sewers and utilities; the size, shape and area of lots; the uses of land; and complying with and obtaining all necessary permits.

7. **DIVIDING STRIPS:** A separation between adjacent or opposing traffic lanes. It may also mean a separation between the traffic lanes on a thoroughfare or highway and the parallel frontage road which provides access to abutting property.

8. **DIVISION OF LAND:** Division of land shall be defined as any and all divisions of land excluded from the definition of "SUBDIVISION" as defined in Section 66424 of the Government Code.

9. **DOUBLE FRONTAGE:** A lot having frontage on two streets.

10. **FREEWAY:** The term "Freeway" shall be deemed to mean a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such in compliance with the Streets and Highways Code of the State of California.

11. **GENERAL PLAN:** The General Plan of the City of Blue Lake or any element, section or portion thereof.

12. **HEALTH DEPARTMENT:** The Health Department of the City of Blue Lake or of the County of Humboldt.

13. **HILLSIDE LAND:** Any area or slope plane on which the average grade from top of ridge to the drainage channel is fifteen percent (15%) or greater, or any slope that has or has had a natural or manufactured grade of fifteen percent (15%) or greater on any section fifty (50) feet or more.

14. **IMPROVEMENTS:** Streets, highways, monuments, utilities, curbs, gutters, drainage facilities, water mains, sanitary sewers, or any facility, fixture or object installed or constructed in accordance with the Improvement Standards of the City.

**15. LIMITED ACCESS ROAD:** A street or highway to which the right of access is restricted to designated places for the purpose of increasing safety and the efficient regulation of traffic.

**16. LOT:** A parcel or portion of land separate from other parcels or portions of land by description on a Final or Parcel Map, or by metes and bounds, as required under the provisions of this Subdivision Ordinance and the Subdivision Map Act, for the purpose of sale, lease, financing, or separate use.

**17. LOT, CORNER:** A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

**18. LOT, FLAG:** A lot with access to a public street by a corridor not less than twenty (20) feet in width. Building setbacks will be determined from the interior lot line which is more parallel and closest to the public street. The lot area will be calculated excluding the corridor. Off-street parking will be required. Only one (1) lot shall be served by the flag lot corridor, and adequate access and turnaround space for emergency vehicles shall be provided.

**19. LOT, INTERIOR:** A lot other than a corner lot.

**20. LOT, KEY:** The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intercepts or intersects the street on which the corner lot fronts.

**21. LOT AREA:** The total horizontal area within the boundary lines of a lot inclusive of any river, lake, drainage easement, and/or street right-of-way excluding any existing or proposed street accepted by the City, or the County, or shown on an approved or adopted plan. Useful or buildable lot area is the total horizontal area within the boundary lines of a lot exclusive of any river, lake, drainage easement, and/or street right-of-way, excluding any existing or proposed streets accepted by the City, or the County, or shown on an approved or adopted plan by the City and/or County.

**22. LOT DEPTH:** The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

**23. LOT FRONTAGE:** The property line and/or the right-of-way line separating a lot from the street, in the case of an interior lot; and, in the case of a corner lot, the line separating the lot from the street upon which the lot fronts; all as shall be determined by an approved Road Plan prepared and approved by the Planning Commission; and as administered by the Public Works Director; provided, however, that if no Road Plan has been approved by the Planning Commission for all or any part of the affected lot, the Planning Commission shall determine the lot frontage.

**24. LOT LINES:** The lines bounding a lot.

**25. LOT LINE, REAR:** Ordinarily, that line of a lot which is generally opposite the lot line along the frontage of said lot. In cases in which this definition is not applicable, the Planning Commission shall designate the rear lot line.

**26. LOT WIDTH:** The horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard set back line established by the Zoning Ordinance. Whenever this definition cannot be applied due to irregularity in the shape of the lot, the lot width shall be determined by the Public Works Director, subject to approval by the Planning Commission.

**27. MAP ACT:** The Subdivision Map Act of the State of California, as amended, including Sections 66410 through 66499.58, Government Code, State of California.

**28. MAP, FINAL:** A map prepared in accordance with the provisions of this ordinance and the Subdivision Map Act of the State of California, which is intended to be placed on record in the office of the County Recorder of Humboldt County. A Final Map is required for all subdivisions creating five (5) or more parcels, unless exempted by Government Code Section 66426.

**29. MAP, PARCEL:** A map prepared in accordance with the provisions of this ordinance and the Subdivision Map Act of the State of California, which is intended to be placed on record in the office of the County Recorder of Humboldt County. A Parcel Map is required for all Minor Subdivision.

**30. MAP, TENTATIVE:** A map prepared for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around the subdivision, and meeting the requirements of the Subdivision Map Act.

**31. MAJOR SUBDIVISION:** Division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, into five (5) or more parcels, and requiring a Tentative and Final Map in conformance with the Subdivision Map Act.

**32. MINOR SUBDIVISION:** Division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, into fewer than five (5) parcels.

**33. ORIGINAL PARCEL:** A contiguous area of land at the time of division, in one or a common ownership, any portion or all of which is proposed to be divided under this ordinance.

**34. OWNER:** The individual, firm, association, syndicate, co-partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under the ordinance, and while used here in the masculine gender and singular number, it shall be deemed to mean the feminine and neuter gender and plural number whenever required.

**35. PEDESTRIAN WAY:** A public way designed for use by pedestrians which is not intended for use by automotive vehicles and which is not located within a street right-of-way.

**36. PLANTING STRIP:** A strip between the sidewalk and the street right-of-way line, or between the pavement of a frontage street and the major street, limited access highway or freeway it parallels, which is intended to be planted with trees, shrubs, or other vegetation.

**37. PRELIMINARY GRADING PLAN:** A map which shows: existing and proposed contours of the project site at two-foot or less contour interval; cut and fill locations; all pad elevations; general drainage pattern which shows ultimate direction of flow; special drainage patterns around all structures which show ultimate direction of flow; identification of areas of special soils problems in accordance with the soils report; street cross section intervals of not more than 100 feet clearly indicating all cuts and/or fills; cut and/or fill cross sections at the location of all buildings and all other infrastructures. The information may be shown on a Tentative Map only if it is clearly designated. City Engineer may require a separate design sheet.

**38. PRELIMINARY PLAN:** A scaled engineering drawing or a scaled sketch plan of a proposed subdivision prepared prior to a Tentative Map for a Minor Subdivision, and showing existing conditions in a conceptual manner with information taken from Assessor's Parcel Maps and showing the proposed improvements adjacent to and thereon.

**39. RECORD OF SURVEY:** A map prepared in accordance with the standards of, and prepared by an individual authorized to practice Land Surveying, all as defined within Division 3, Chapter 15 of the Business and Professions Code of the State of California.

**40. RESERVE STRIP:** A strip of property, contiguous to a public way, which is dedicated to the City for street purposes effective at such time as the City may acquire certain additional right-of-way across contiguous property outside of the subdivision. Until such additional right-of-way is acquired by the City, the successive owners of the subdivision lots opposite said reserve strip may use said property for all lawful purposes except that no structure not ordinarily placed on public streets may be erected in or upon said reserve strip.

**41. SPECIFIC PLAN:** A plan prepared for the systematic implementation of all or a portion of the General Plan of the City of Blue Lake.

**42. STANDARD SPECIFICATIONS:** Construction specifications which shall be in accordance with the current edition of Standard Specifications for Public Works Construction by the Northern California Chapter of American Public Works Association or the Standard Specifications of the City of Blue Lake, whichever shall be defined as applicable by the City Engineer.

**43. STANDARD SPECIFICATIONS, CITY OF BLUE LAKE:** The Standard Details and Construction Specifications as adopted by the City Council. These standards shall take priority over other standards where not prevented by law or other overriding authority.

**44. STREET, ARTERIAL A1 (EXPRESSWAY):** A street designated as an arterial street or a county-city primary street on the Circulation Element of the City of Blue Lake General Plan which, because of its design and location with respect to other streets and other sources of traffic, is used or designed to carry relatively heavy volumes of traffic through the urban area or between urban areas, or as an approach to a freeway.

**45. STREET, ARTERIAL A2:** A street designated as an arterial street on the Circulation Element of the City of Blue Lake General Plan which, because of its location with respect to other streets and other sources of traffic, is used or designed to carry moderately heavy volumes of traffic between portions of the urban area or between major streets.

**46. STREET, COLLECTOR C1:** A street which does or which will, because of its design and location with reference to other streets, be used to carry traffic from minor streets to secondary streets or in certain circumstances to the major street system.

**47. STREET, COLLECTOR C2 (MINOR):** A street which, because of its design and location with respect to other streets, is used primarily for access to the abutting properties.

**48. STREET, CUL-DE-SAC:** A street having only one outlet for vehicular traffic with a turn-around at the opposite end which is intended not to be extended or continued to serve adjacent lands or future subdivisions on adjacent lands.

**49. STREET, FRONTAGE:** A minor street which is parallel to and adjacent to a major street, limited access highway or freeway, and which provides access to abutting properties while relieving them of the effects of heavy volumes of fast through traffic.

**50. STREET, INTERSECTION:** A connection of two or more streets.

**51. STREET, PRIVATE:** A street not under the ownership of the City of Blue Lake. Development of private streets, required as a part of a subdivision, are under

the jurisdiction of this ordinance. Private rights-of-way shall be not less than 25 feet in width.

**52. STREET, SPLIT:** A street having the moving lanes divided, to form two "one-way traveled ways."

**53. STREET, STUBBED:** A street having only one outlet for vehicular traffic and which is intended to be extended to or continued onto the same or adjacent land at a future time.

**54. SUBDIVIDER:** Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this ordinance, to effect a subdivision of land hereunder for himself, or for another, as defined in California Government Code Section 66423.

**55. SUBDIVISION:** The division, by any subdivider, of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit, or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, as defined in California Government Code Section 66424.

**56. SUBDIVISION AGREEMENT:** A contract between the City and the subdivider, in a form approved by the City Council, requiring the subdivider to complete, install or construct improvements as required in this ordinance.

**57. SUBDIVISION MAP ACT:** The Subdivision Map Act of the State of California defined as California Government Code Sections 66410 through 66499.58, as amended.

**58. SURVEYOR:** A Professional Land Surveyor licensed by the State of California, or a Civil Engineer registered by the State of California and authorized to practice Land Surveying.

**59. WALKWAY:** An area designated for pedestrian walking only.

**ARTICLE 2.**  
**IMPROVEMENT REQUIREMENTS**

**201. STANDARDS AND APPROVAL.**

A. All improvements hereinafter mentioned shall conform to those required in the "Standard Subdivision Improvement Specifications" as amended, prepared by the City Engineer, recommended by the Planning Commission, and adopted by the City Council, copies of which are on file in the office of the City. Where such Standard Specifications have been so adopted, any notices to, submittals to, approvals by, or inspections by the City Engineer otherwise required by this ordinance may be to or by the Director of Public Works.

B. Improvement work shall not be commenced until plans, specifications and construction cost estimates for such work have been prepared by a Civil Engineer, and have been submitted to, and approved by, the City Engineer. Fees must be paid in advance according to the City's current master fee schedule.

C. Improvement work shall not be commenced until the City Engineer has been notified in advance and if work has been discontinued for any reason, it shall not be recontinued until the City Engineer has been notified.

D. All required improvements shall be constructed under the inspection of, and to the approval of, the City Engineer.

E. It shall be the responsibility of the Subdivider that all underground utilities, sanitary sewers, water mains and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such streets, service roads, alleys, or highways. Service connections for all underground utilities, and sanitary sewers and water mains shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements, when service connections thereto are made.

F. The subdivider shall complete all improvement work in accordance with the provisions of this ordinance.

**202. GENERAL REQUIREMENTS.**

A. The subdivider shall install improvements in accordance with the general requirements set forth in the Subdivision Agreement and this ordinance, provided that the City Engineer may require technical changes if non-standard conditions arise during construction.

B. Inundation. If any portion of any land, within the boundaries shown on any such Final Map, is subject to overflow, inundation or flood hazard by storm waters, such fact and said portion shall be clearly shown on such Final Map on each sheet of said map and further adequate storm drain system and/or levees, dikes, pumping systems and other



protective infrastructure shall be provided. All developments shall comply with the current City of Blue Lake Flood Ordinance, as amended.

**C. Streets and Highways.** Design standards shall be based upon current Caltrans plans and specifications, AASHTO standards, City standards, and APWA standards, as approved by the City Engineer.

**D. Structures.** Structures shall be installed as deemed necessary by the City Engineer for drainage, access and/or public safety. Such structures to be placed to grades and to be of a design approved by the City Engineer. Structures supporting traffic shall be designed to accommodate H-20 loading.

**E. Sidewalks, Curbs and Gutters.** Curbs, gutters and sidewalks shall be of concrete and shall be installed according to standard plans and specifications of the City. Sidewalk width shall be as provided in the Sidewalk Ordinance, as it is amended from time to time.

**F. Sanitary Sewers.** Sanitary sewer lines and appurtenances, including manholes, pump stations, and service lines, shall be provided within all subdivisions and shall connect with existing sewer lines and appurtenances. Where a sewer line is constructed or laid within a street, the subdivider shall install a lateral connection extending to the right-of-way line to serve each lot within the subdivision. Sanitary sewer lines, appurtenances, and service connections shall be constructed of a size, design, and laid to grades established and/or accepted by the City Engineer.

1. Where sanitary sewers are not available immediately adjacent to the proposed subdivision, or where pretreatment wastewater facilities are required as part of the development, connection to the City's sanitary sewer system shall be made in accordance with current policies as adopted by the City Council and current Sanitary Sewer Ordinance of the City of Blue Lake, all as amended.

2. All pumping systems, including drainage pumps, shall be designed in accordance with City standards and shall include both an economic analysis of the cost of operation of such system, and the source of financing for the operation of such system, and all shall be approved by the City Engineer.

**G. Drainage Works.** The subdivider shall provide such drainage structures, including storm sewers, drainage channels and drainage pumps, as may be necessary for adequate drainage of surface and storm waters, and further including means for the disposal of surface and storm waters generated by the subdivision. Disposal of surface and storm waters into drainage wells or sewer lines shall not be permitted. Drainage facilities shall be installed as required by the City Engineer.

All pumping systems, including drainage pumps, shall be designed in accordance with City standards and shall include both an economic analysis of the cost of operation of such

system, and the source of financing for the operation of such system, and all shall be approved by the City Engineer.

**H. Water.** Adequate water supply and distribution system, water mains and fire hydrants connected to the water system serving the City of Blue Lake shall be installed by the subdivider. Where further development appears probable beyond the proposed subdivision, the subdivider may be required to install larger water mains to handle such additional development. Where additional storage facilities or pumps are required to serve the development, the developer may be required to have such facilities constructed. All development shall conform with the current Water Ordinance of the City of Blue Lake, as amended.

All pumping systems, including drainage pumps, shall be designed in accordance with City standards and shall include both an economic analysis of the cost of operation of such system, and the source of financing for the operation of such system, and all shall be submitted to the City Engineer.

A detailed computer analysis shall be submitted to the City Engineer which identifies the impacts upon the existing City system in the areas of distribution, storage supply, and water quality, unless waived by the City Engineer.

**I. Street Trees.** Street trees may be required by the Planning Commission and shall be of a type approved by the City Engineer and planted in locations approved by the City Engineer.

**J. Street Lighting.** Street lighting shall be as required by the Planning Commission and shall meet current City standard plans and specifications.

**K. Railroad Crossings.** Provisions shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the current railroad owner for the establishment and improvement of such crossings. The cost of such railroad crossing improvement shall be borne by the subdivider, and shall be designed and built consistent with current California State Public Utilities Commission requirements and standards.

**L. Complete Improvement Plan.** Three complete sets of improvement plans "as-built" shall be filed with the Director of Public Works upon completion of said improvements. The three complete sets of plans shall be comprised of one reproducible set and two sets of blueprints. Upon receipt and acceptance of said "as-built" plans, the City Engineer will issue a Certificate of Acceptance when all requirements of the City are met.

**M. Underground Utilities Required.** All utility distribution facilities, including but not limited to electric, communication and cable television lines, fire alarm systems, installed in and for the purpose of supplying service to any subdivision, shall be placed underground, except for equipment appurtenant to underground facilities, such as surface-mounted

transformers, pedestal-mounted terminal boxes and meter cabinets, concealed ducts and poles supporting street lights.

All underground installation under roadway shall be completed prior to the paving of the roadway.

Public and private utility easements shall be provided by the subdivider as required. The subdivider shall make the necessary arrangements with the utility companies involved for the installation of said facilities.

### **203. MONUMENTS.**

A. Permanent brass cap concrete monuments, of a type set forth in the Standard Subdivision Improvement Specifications, shall be set at intersections of all street center line tangents and at the beginning and end of center line curves and/or offsets of said center lines, or at distances of not less than 600 feet and such that at least another monument is visible. The exact location of all such monuments shall be shown on the Final Map or Parcel Map. All monuments shall be marked or tacked according to the provisions of the Land Surveyor's Act, as set forth in Section 8772, of the Business and Professions Code.

B. In making the survey for the subdivision, the surveyor shall set sufficient, permanent and durable monuments so that the survey or any part thereof may be consistent with the requirements of Article 8771 of the Business and Professions Code of the State of California, and that any part thereof may be readily retraced. Lot pipes shall be set flush to finished grade and shall be capped. The character, type and positions of all monuments shall be noted on the Final Map or Parcel Map and shall be subject to approval by the City Engineer.

C. One permanent elevation benchmark of a type approved by the City Engineer shall be set at a convenient location in the public street area of each subdivision.

D. Any monument or benchmark, as required by this ordinance, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider at the subdivider's expense.

E. Interior monuments need not be set at the time the map is recorded, if the subdivider provides the City with a security bond guaranteeing payment for all costs for setting such monuments in accordance with this ordinance. The surveyor, or engineer, shall certify on the map the date upon, or before, which the monuments will be set.

**204. OTHER IMPROVEMENTS.** The subdivider shall provide such improvements, including bridges, culverts, fencing of watercourses, recreation areas and facilities, and other improvements as may be required for the health, safety and general welfare of residents of the subdivision and as may be required by law.

**ARTICLE 3.**  
**SUBDIVISION DESIGN REQUIREMENTS**

**301. STREETS AND HIGHWAYS.**

A. The street and highway design shall conform to City of Blue Lake Standards, the City's General Plan, Master Plans adopted by the City, and Specific Plans; and shall be subject to approval by the City Engineer. Right-of-way for any such street or highway indicated on the Circulation Element of the General Plan shall be provided by the subdivider. Traffic studies shall be performed for new developments, when required, by the Planning Commission or the City Engineer.

B. The subdivider shall comply with the requirements of other legally constituted bodies, such as the county or state, when a subdivision requires streets and highways within their jurisdiction as part of the Subdivision Plan.

**302. GENERAL DESIGN CONDITIONS.**

A. All streets shall, as far as practicable, be in alignment with existing adjacent streets by continuations of the center lines thereof or by adjustments by curves.

B. Streets shall be required to intersect one another at a right angle, as near as practicable; or the centerlines shall be offset at least one hundred twenty (120) feet for minor residential streets, and at least one hundred fifty (150) feet for all other streets.

C. Intersection Corner Rounding. Whenever an A-1 Arterial or an A-2 Arterial street or state highway intersects any other street or highway, the property lines at each block corner shall be rounded with a curve having a radius of not less than thirty (30) feet. On all other street intersections the property line at each block corner shall be rounded with a curve having a radius of not less than twenty four (24) feet. In either case, the City Engineer may direct that a greater curve radius may be required if streets intersect other than at right angles.

D. Curve Radius. The centerline curve radius on all streets and highways shall be designed based upon professional design standards incorporating design speed and sight distance; and shall be subject to approval by the City Engineer.

E. Grades of Streets and Highways. No street or highway shall have a grade of more than twelve percent (12%).

F. All streets and highways shall be graded and paved to cross sections and grades approved by the City Engineer. The subdivider shall improve the extension of all subdivision streets, highways, or public ways to the intercepting paving line of any county road, city street, or state highway. All street cross sections shall include a minimum of 0.2 feet asphalt concrete on at least 0.70 feet Class 2 aggregate base. R-value tests will be prepared by subdivider and submitted to City Engineer. Structural section design will be based upon R-

value results, traffic intensity determinations, and soil tests. Soil bearing tests may be required within the structural section during construction. Soil compaction tests shall be prepared by a Civil Engineer, other than the design engineer, at the frequency required by the City Engineer, all at the cost of the Subdivider. All test results shall be submitted to the City Engineer.

**303. STREETS IN SUBDIVISIONS ADJOINING UNSUBDIVIDED LAND (ACREAGE).**

**A. Stubbed Streets.** Where necessary to give access to a future subdivision of adjoining land, streets shall extend to the boundary of the property and a cul-de-sac having a minimum radius of fifty (50) feet or a hammerhead evenly laid out at twenty-five (25) feet by ninety (90) feet, all areas of which will be laid between property lines, shall be required and constructed. In certain cases approved by the City, the resulting dead-end streets may be approved without a cul-de-sac provided that control of access across such dead-end street shall be vested in the City.

**B. Half Streets.** Where a street is proposed adjacent and parallel to one boundary line of the subdivision, the subdivider shall dedicate the entire right-of-way to serve the subdivided land. Where an existing half street is located adjacent and parallel to the boundary line of the proposed subdivision, the subdivider shall dedicate additional right-of-way to complete the entire right-of-way and provide such additional improvements and easements as may be necessary to meet the requirements of this ordinance.

**304. RESERVED STRIPS.** Reserved strips controlling the access to public ways or minimizing values for special improvement assessments will not be approved unless such strips are determined by the City Council, to be necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the City under conditions approved by the Planning Commission.

**305. STREET AND HIGHWAY WIDTHS.**

**A. Streets and Highways.** Streets and highways not shown on any Street and Highway Plan, or the Circulation Element of the General Plan, or not affected by proceedings initiated by the City Council or approved by the City Council upon initiation by other legally constituted governmental bodies, shall not be of less width than those set forth hereunder, except where it can be shown by the subdivider, to the satisfaction of the Planning Commission that the topography of the small number of lots served and the probable future traffic development are such as to unquestionably justify a narrower width. Increased widths may be required where streets are to serve commercial property or where probable traffic conditions warrant such. Such determination shall be made by the Planning Commission with results from the applicant's traffic study, prepared and submitted by a Registered Civil Engineer and subject to recommendations by the City Engineer.

Approval of determination of street or highway classifications within the City shall be made by the Planning Commission and shall be processed as an amendment to the Circulation Element of the General Plan. City Engineer will provide recommendations regarding classification.

**B. Rights-of-Way.** Minimum right-of-way requirements and easement standards are prescribed within the City's standard plans and standard specifications.

**306. SERVICE ROADS AND OFF-STREET PARKING.** When the front of any lots proposed for commercial usage front on any major or secondary street or highway, the subdivider shall be required to dedicate and improve a service road to provide ingress or egress to and from such lots or in lieu thereof, if approved by the Planning Commission, the subdivider may dedicate for public use and improve, an area approved by the Planning Commission, and adjacent to such lots, for off-street parking purposes. When the front of any lots proposed for residential usage front on any freeway, state highway or parkway, the subdivider shall dedicate and improve a service road at the front of such lots, unless such is already existent as a part of such freeway or parkway. In addition to any requirements for a service road, the Planning Commission may require adequate off-street parking areas for all lots proposed for commercial usage.

**307. ALLEYS.** When any lots are proposed for commercial or industrial usage, alleys at least thirty (30) feet in width shall be required at the rear thereof with adequate ingress and egress for truck traffic as part of the overall commercial development design. Where two alleys intersect, the corner shall be cut either on a twenty (20) feet radius to which the lot boundaries are tangent or on a straight line connecting points on both lot lines fifteen (15) feet from the corner of the lot at the intersection of the alleys. The requirement may be waived by the Planning Commission.

**308. NON-ACCESS AND PLANTING STRIPS.** When the rear of any lots border any major or secondary street, highway, or parkway, the subdivider may be required to execute and deliver to the City an instrument, deemed sufficient by the City Attorney, prohibiting the right of ingress and egress to the rear of such lots across the side lines of such streets or highway. When the rear of any lots border any freeway, state highway or parkway, the subdivider may be required to dedicate and improve a planting strip adjacent to such parkway or freeway.

**309. EASEMENTS.** The subdivider shall grant easements where necessary, not less than fifteen (15) feet in width for public utility, sanitary sewer, water and drainage purposes on each side of rear lot lines, along side lot lines, and in planting strips wherever necessary. This requirement may be modified by the Planning Commission.

**310. LOTS.**

**A.** The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or radial or approximately radial if the street is curved.

**B. Setback lines shall be shown on the improvement plans, shall be identified, and shall be indicated by "dotted" lines. Setback lines will include, but not be limited to, setbacks per the Zoning and other land use ordinances, flooding elevation lines, etc. When setbacks become a matter of title, they shall be shown on the Final Map or Parcel Map.**

**C. Divided lots. No lot shall be divided by a City boundary line.**

**D. All lots less than 100 feet in width must have a depth-to-width ratio not in excess of 3 to 1. Lots with diverging side lot lines shall have a minimum of 40 feet width at the building setback line.**

**E. Lot Drainage. All lots shall be adequately drained and sloped in such a manner that surface water is conducted through drainage channels or gutters approved by the City Engineer. Drainage to adjacent parcels is not permitted, unless contained within positive drainage improvements and within legal easement designed for drainage transport. Drainage design, on the improvement plans shall be in conformance with current State Water Resources Control Board Non-Point Source Runoff Program requirements, and the applicant's engineer shall make a statement that such improvements are in compliance.**

**F. Double frontage lots may be permitted only where necessitated by topographic or other conditions approved by the Planning Commission with vehicle access from one street only, and with a one-foot non-vehicular easement to prevent vehicle ingress or egress, on the opposite side.**

### **311. BLOCKS.**

**A. Block Length. Blocks shall not exceed five hundred (500) feet in length except where necessitated by topographical or other physical conditions.**

**B. Block Depth. The depth of blocks shall be sufficient to allow for two (2) tiers of lots with rear easements, as required; but blocks shall not exceed 300 feet in depth, except where necessitated by topographical or other physical conditions, or where permitted by provisions of the Zoning Ordinance.**

**C. Walkways. The subdivider may be required to dedicate and improve walkways of not less than ten (10) feet across long blocks and/or to provide access to schools, parks, or other public facilities.**

**312. RAILROADS. Where a subdivision adjoins a railroad right-of-way, and the Zoning Ordinance designates the property for industrial use, the streets nearest to and running in the same general direction as the railroad shall be as nearly parallel thereto as practicable and at a sufficient distance therefrom to provide suitable depth for industrial sites between the street and the railroad.**

**Railroad crossings, setbacks to railroad tracks, and other design elements shall be in conformance with California PUC standards unless waived by the Planning Commission.**

**313. WATERCOURSES.** In the event that the subdivision is bordered or traversed by any watercourses, channels, streams, or creeks, the subdivider shall dedicate rights-of-way or easements for storm drainage conforming substantially with the lines or such watercourses, channels, streams, or creeks, and shall dedicate such additional rights-of-way as shall be required by the City Engineer for structures or channel changes for disposal of surface and storm water, or for City access along the watercourse necessary to permit the proper maintenance thereof when such maintenance is the responsibility of a public body.

**314. PONDING AREAS.** Areas which are subject to the ponding of surface water shall not be subdivided unless approved by the Planning Commission. The City Engineer shall make an investigation and report to the Planning Commission on the adequacy of measures taken or proposed to be taken by the subdivider. The Planning Commission shall establish conditions of approval of the Tentative Map.

**315. PLANNED UNIT DEVELOPMENTS.** Where, in accordance with provisions of the Zoning Ordinance, a use permit has been granted authorizing a planned unit development on the land, or a portion of the land proposed to be subdivided, the plan of the subdivision shall conform with the plan of the planned unit development as approved by the Planning Commission and City Council. The Planning Commission may allow for good cause shown some of the principles and standards set forth in Article 4 to be utilized in a Planned Unit Development subdivision. Exceptions to the subdivision regulations, which are necessary or desirable to execute the planned unit development as approved by the Planning Commission, shall be applied for in accordance with the provisions of this ordinance and consistent with the provisions of the Subdivision Map Act.

**316. GENERAL PLAN.** In all respects, the subdivision will be considered in relation to the Blue Lake General Plan, the Circulation Element of the General Plan, and Specific Plans adopted for the purpose of carrying out the General Plan.

**317. DEED RESTRICTIONS.** A copy of the Deed Restrictions applicable to the subdivision shall be filed with the Planning Commission at the time of the filing Final Map or Parcel Map. If the Deed Restrictions are changed prior to the sale of any property the amended restrictions shall be filed with the Planning Commission.

**318. OTHER GENERAL REQUIREMENTS.**

**A.** All lots shall be suitable for the purpose for which they are intended to be sold, leased or used.

**B.** Residential lots abutting a limited access way shall normally have access on a frontage road, minor street or collector street.

**C.** Where the subdivision is of such a size that the Commission deems it proper, it shall require that the subdivider designate suitable areas and facilities, and/or pay in-lieu fees for public facilities, parks, playgrounds, schools, drainage improvements and other public building sites and infrastructures that may be required. The in-lieu fees shall be



established by the City Council. The fees shall be paid to the City prior to the beginning of construction and prior to City approval of the Subdivision Map or Final Map.

Elementary school sites and park sites should be located so that pedestrians need not cross major arterials in order to walk from home to school. Public school site selection shall be subject to Section 66413.7, Government Codes (Development of Public School Sites) of the Subdivision Map Act. Shopping centers should be located on arterials to prevent unnecessary commercial traffic from driving through residential neighborhoods, as determined by the Planning Commission after review of a subdivider-prepared traffic study.

D. Existing trees shall be preserved within any public way whenever such trees are suitably located, healthy and of desirable variety, when required by the Planning Commission. A Registered Forester may be required, by the Planning Commission, to prepare and submit a report to the City to determine the suitability of proposed tree removal for new developments. The subdivider may be required, by the Planning Commission, to provide reports prepared by Landscape Architects regarding the design plan for proposed landscaping in new developments.

E. Fire hydrants, gated connections and appurtenances to provide adequate fire protection, shall be furnished in place by the subdivider. Said fire protection facilities shall be furnished in accordance with the standards of the Blue Lake Fire Protection Districts, the Insurance Service Office, and as approved by the City Engineer. All residential or commercial structures shall be located within 600 feet of a fire hydrant.

F. Permanent type traffic barricades shall be furnished at the dead-end of streets adjacent to undeveloped land.

G. Failure of the subdivider to provide sufficient design information or to make provisions for required streets, highways, schools, drainage, water, sewerage, and all other planned and required public facilities, as required in this and other City ordinances, shall be reason for rejection of the Tentative Map by the City Engineer as an incomplete submission.

**319. DEDICATIONS.** All dedications shall be in accordance with the requirements of Article 3 of Chapter 4 of Division 2 of Title 7 of the Government Code (commencing with Section 66475). The dedication of land, or the payment of fees in-lieu thereof, or a combination of both, for park or recreational purposes shall be required as a condition to the approval of a Tentative Map or Parcel Map per Section 66477 of the Government Code. Such requirement will be established in accordance with the policies and regulations of the General Plan and Zoning Ordinances of the City of Blue Lake.

A. **Requirements.** The determination of dedication requirements or the payment of fees shall be as determined by the Planning Commission. The determination of fees shall be made by the City Council upon recommendation by the Planning Commission.

**B. Park Standards.** The City of Blue Lake finds that the public interest, health, safety and welfare of the community requires three (3) acres of property for each 1000 residents be devoted to community parks and recreational purposes. This section is enacted pursuant to Government Code Section 66477.

**C. Fee Assessments.** New subdivisions of land shall be assessed a fee for recreational facilities for each parcel created by the subdivision. The City Council will accept dedication of land and may consider permanently dedicated private open space in determining the fee. The fee assessment for parkland and recreation purposes shall be established by the fees schedule established by the City Council of the City of Blue Lake.

**D. Disposition of Fees.** Disposition of all parkland and recreation fees shall be in accordance with the requirements of Chapter 4, of Division 2, of Title 7 of the Government Code (commencing with Sections 66475 and 66483, respectively), as amended.

**E. Exemptions.** All subdivisions of less than fifty (50) parcels shall pay fees for parkland and shall not provide land dedication. Commercial and industrial subdivisions are exempt from the park and recreation fees assessment. Any building permit requested for a residential structure on such exempted commercial and industrial subdivision will require payment in full to the City of the exempted fee at the value then in force at the time of the building permit request.

**320. STORM DRAINAGE AND SANITARY SEWER IMPROVEMENTS AND FEES.** This section is enacted and shall be considered in accordance with Section 66483 of the Government Code of the State of California. Fees will be required for storm drainage and sanitary sewer offsite improvements in accordance with the policies and regulations in the ordinances of the City of Blue Lake.

**A. Requirements.** As a condition of approval for a Final Map or Parcel Map, the subdivider shall pay in-lieu fees for storm drainage and may be required to pay in-lieu fees as well as provide infrastructure improvements to the sanitary sewer system.

**B. Fee Assessments.** New subdivisions of land shall be assessed a fee for the following improvements: storm drainage, sanitary sewer offsite improvements, bridges, major thoroughfares, and groundwater recharge facilities for each parcel created by the subdivision. The fees will be established by the City Council of the City of Blue Lake and will be kept current in accordance with state and local laws.

**C. Disposition of Fees.** All fees collected by the City will be handled in conformance with Section 66483 of the Government Code.

**D. Exemptions.** No subdivisions are exempt from these requirements.

**ARTICLE 4.**  
**PRINCIPLES AND STANDARDS FOR HILLSIDE SUBDIVISIONS**  
**AND PLANNED UNIT DEVELOPMENT**

**401. PRINCIPLES.** The purpose of this article can be achieved by the following principles:

**A. Appearance and Character.**

1. To enhance the identity of Blue Lake, subdividers shall be encouraged to preserve prominent landmarks, steep slopes, natural foliage, landmark trees, areas of special natural beauty and of historical significance.

2. Subdividers shall be encouraged to accomplish the maximum retention of natural topographic features, such as drainage swales, slopes, rock outcroppings, vistas, and natural plant formations. Successive terracing of building sites is discouraged.

3. The character of the street and land appearance may vary to provide special identity for various areas of the hills and their particular fauna, flora and landscape setting.

4. Street improvements, including fencing, sidewalks, pathways, electroliers, etc., shall be given special design consideration to enable the maximum value and uniqueness of character to be built into each development.

5. Native rock material should be used where feasible, for drainage, erosion and flood control. Where concrete is used, native rock should be used as facing material.

6. Development shall minimize water runoff and soil erosion problems caused by adjusting the terrain to meet development needs.

**B. Land Use.**

1. Development on subdivided land shall be encouraged to provide a variety of building and dwelling types ranging from residential estates to multi-family units, to provide maximum choice in living environment.

2. Groups of various housing types shall be encouraged, to enable steep hill slopes, wooded areas, and areas of special scenic beauty to be preserved as scenic easements.

3. Incentives in the form of density of dwellings and varied land use are to be used to encourage areas of special scenic, natural, and historical interest to be preserved through dedication to the City in fee or easement.

4. Residential density transfers may be permitted in order to provide for increased flexibility in land utilization, earth movement reduction, and scenic open space retention under a Planned Unit Development approach.

**C. Circulation.**

1. The use of public and private lanes shall be encouraged to reduce the scarring of the natural landscape. The width of these lanes shall be allowed to be as narrow as public safety and traffic generation will permit. All parking for residential estates shall be required on site to enable the street section to be reduced where practical. Parking area clusters are also encouraged.

2. Loop and split, one-way street sections, and occasional steep street grades should be allowed to fit terrain and minimize grading and exposed slopes.

3. Equestrian and hiking trails should be considered throughout the area, to provide connections between park areas and scenic easements to help maximize the leisure opportunities. Trails may be accepted by the City in fee or easement.

4. Streets and lanes shall be laid out to follow the existing contours as much as is feasible.

5. Circulation shall, when feasible, be designed to allow for separation of vehicular, pedestrian and equestrian traffic.

6. Driveways and drives shall be designed to adequate horizontal and vertical curves that will provide the maximum of safety and convenience for vehicular and pedestrian use.

**D. Utilities and Public Facilities.**

1. Appurtenances such as transformers and switch boxes may be mounted above grade, providing adequate screening is furnished.

2. The natural drainage area shall be left as natural as possible and generally left unfenced to minimize marring the hill slopes with concrete-lined channels and chain link fences. The area should not be a parallel corridor, but variable in width according to natural features.

3. Prior to development, Specific Plans, including general land use, outline of circulation with scenic roadways and public facilities, may be required by the Planning Commission in order to establish a framework for evaluating development proposals so that school sites, parks, fire stations, public facilities, collector, and major street general locations shall be known.

4. Prior to development approval of any development proposal for the hills, the existing or proposed utility services shall be adequate for use and population densities proposed.

5. The design of storm drainage facilities shall ensure the acceptance and disposal of storm runoff without damage to the street or to adjacent properties. The use of special structures to accept design storm runoff shall be incorporated into the street design where appropriate.

6. All public streets shall be provided with a level of street lighting sufficient to protect the health, safety and welfare of those living within the hillside areas.

**402. STANDARDS.** To ensure that proposed subdivisions shall reflect the best interests of the City of Blue Lake, all subdivisions under the provisions of this section shall conform to the standards of subdivision design of the Subdivision Map Act, and other standards adopted by the City of Blue Lake.

**A. Grading Plan.** A preliminary grading plan, endorsed by the Registered Civil Engineer who prepared the preliminary soils report, shall be submitted as a part of all Tentative Maps considered for approval in hillside areas.

**B. Erosion Control.** All manufactured slopes, other than those constructed in rock, shall be planted or otherwise protected from the effects of storm runoff erosion and shall be benched or terraced to provide for adequate stability. Planting shall be designed to blend the slope with the surrounding terrain and development. Manufactured slopes in rock shall be provided with soil pockets to contain landscaping where appropriate.

**C. Cut and Fill Slopes.** Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum possible extent. The City will not accept the dedication and maintenance of cut or fill slopes except those within the required street right-of-way. Where a cut or fill slope occurs between two lots, the slope shall normally be made a part of either the uphill or the downhill lot.

**D. Parking.** The following parking standards shall apply in hillside areas as set forth in this section, and as may be required by the Blue Lake Zoning Ordinance and other applicable Blue Lake parking ordinances. Handicap parking facilities will be required for multi-family housing developments and commercial projects in accordance with current City codes and other laws.

**E. Streets.**

1. **Split Streets.** Split streets may be provided by the subdivider according to the following schedule.

a. One lane in each direction, the split section width of pavement shall be 16 feet, or

b. Two lanes in each direction, the split section width of pavement shall be 30 feet.

The median between split streets shall not exceed the slope of 2 feet horizontal for each one foot vertical, and such median shall be planted by the subdivider and maintained for one year, to the approval of the Director of Public Works.

2. Cul-de-sacs. Cul-de-sacs may serve no more than twenty dwelling units. A suitable turn-around shall be provided at the end of stub streets, the right-of-way should be not less than 50 feet. In cases of steep topographical terrain, deviation may be authorized by the Director of Public Works with the approval of the City Engineer.

3. Street Intersections. Streets in hillside areas may intersect at a minimum angle of 60°, provided they meet the requirements of the City Engineer.

4. Street Grades. Grades of streets shall be permitted to exceed 12% to the maximum of 15% for short distances not to exceed 300 feet.

5. Horizontal and Vertical Curves. The design of all streets shall incorporate horizontal and vertical curves adequate to provide a maximum in vehicular and pedestrian safety. The minimum horizontal curve radius on residential streets shall be 100 feet and the minimum length of vertical curve shall be 100 feet where practical. Collector streets and thoroughfares shall be designed to incorporate vertical and horizontal curves greater than the said minimum for residential streets, in order to provide for adequate sight distance.

6. Driveways and Drives. Driveways and drives shall be designed to a grade and alignment that will provide the maximum of safety and convenience for vehicular and pedestrian use and in a manner which will not interfere with drainage or public use of the sidewalk and/or street area. Grades shall not exceed 15%.

7. Walkways. Walkways of five (5) feet maximum width shall be provided along or in the proximity of all public streets, and along private streets as determined by the City Engineer, to be necessary. Walkways shall be constructed of materials suitable for use in the particular area and shall be located as necessary to provide a maximum of pedestrian safety and a maximum use of the character of the hill area. Materials utilized for walkways constructed shall not result in an abnormal maintenance expense to the taxpayers. Walkways shall include provisions for handicap access.

8. Street Lighting. All hillside public streets shall be provided with a level of street lighting designed to protect the health, safety and welfare of those living within the hillside areas. Street lights shall be mounted on standard electroliers and shall be served by underground wiring.

9. Street Geometrics. The following minimum dimensions are to be utilized in the design of hillside streets:

a. All streets shall have suitable pavement edging such as curbs and gutters.

b. The width of the graded section shall extend three feet beyond the curb face or edge of sidewalk on the fill side and two feet on the cut side of the street.

c. Sidewalks of not less than five (5) feet in width may be required on one side of minor streets and on both sides of a collector street. Sidewalks may be adjacent to the curb face on minor streets and may be set back five (5) feet from the curb on collector streets.

d. Parking lanes, eight (8) feet in width, shall be provided on at least one side of all public streets except where existing topography renders development adjacent to the street impractical; or where an adequate number of off-street parking spaces are provided on each lot adjacent to the street. Roads without parking lanes shall be provided with emergency parking stalls adequate to contain at least two vehicles. Emergency parking areas shall be provided for every 500 feet of roadway without parking lanes and shall be spaced at a distance not to exceed 600 feet.

e. The following travel lane widths shall be required in all hillside areas:

(1) The side of a travel lane not adjacent to another travel lane or parking lane shall be increased by two (2) feet.

(2) Minor streets. Minor hillside streets shall have a minimum travel lane of ten (10) feet.

(3) Collector streets. Collector hillside streets shall have a minimum travel lane of twelve (12) feet.

f. Where required by the City Engineer or Planning Commission, the subdividers' engineer shall furnish traffic studies, prepared by an experienced Registered Civil Engineer, for specified streets.

F. Storm Drainage. The design of storm drainage facilities shall ensure the acceptance and disposal of storm runoff without damage to the street or to adjacent properties. The use of special structures to accept design storm runoff shall be incorporated into the street design where appropriate.

G. Curbs. Vertical curbs of concrete, of a height which provides sufficient gutter hydraulics, but in no case less than six (6) inches in height, shall be constructed on both sides of all public streets. Curbs which serve to carry storm runoff shall be constructed with an integral concrete gutter. Exceptions to this requirement may be permitted where the City Engineer finds that adequate drainage and traffic control are provided and normal maintenance would not be impaired.

**H. Modifications to Standards Herein. The Planning Commission may approve modifications of the design standards provided such modifications are in substantial conformance with the objectives stated in this section.**



**ARTICLE 5.**  
**MINOR SUBDIVISIONS OF FEWER THAN FIVE LOTS**

**501. TENTATIVE PARCEL MAP.** The form and contents, submittal and approval of Tentative Parcel Maps and Vesting Parcel Maps for subdivisions of fewer than five lots shall conform to the provisions of this section and to those of Article 2 of Chapter 3 of Division 2 of Title 7 of the Government Code. Discussion in this section of "Tentative Parcel Maps" also applies to "Vesting Tentative Parcel Maps."

**A. Form.** The Tentative Parcel Map shall be clearly and legibly drawn. All improvement plans required under this ordinance shall be prepared by a Civil Engineer, licensed in California. The scale of the map shall not be less than one inch equals 100 feet or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. All printing or lettering on the maps shall be of 1/8-inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawing. The final form shall be as approved by the City Engineer and consistent with the Subdivision Map Act.

Except as otherwise provided herein, the Tentative Parcel Map shall be substantially in conformance with the requirements of a Tentative Map per the requirements of the Subdivision Map Act.

**B. Content.** The Tentative Parcel Map shall show the following information:

- 1. Name and address of record(s) owner, subdivider, and the person preparing the map (including the preparer's registration number).**
- 2. Assessor's parcel number of the parcel under consideration, and the Assessors' parcel numbers of all adjacent parcels.**
- 3. Date prepared, north arrow, and scale.**
- 4. Sufficient legal description of land to define boundaries of the proposed subdivision.**
- 5. Existing and proposed land use.**
- 6. General Plan and Zoning land use designations.**
- 7. A vicinity map, sufficient to show the relation to the surrounding area.**
- 8. Existing topography and conditions of the proposed site including, but not limited to:**

a. Existing contours at one (1) foot intervals if the existing ground slope is less than ten (10) percent and five (5) foot intervals for greater existing ground slopes greater than or equal to ten (10) percent. Identify the source and date of the contours.

b. The approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of each watercourse. Identification of elevations, as required by the current City of Blue Lake Flood Ordinance, shall be provided.

c. The approximate location of each area covered by trees with a statement of the nature of the cover and the kind and approximate location of all trees over eight inches in diameter four and one-half feet above the ground.

d. The approximate location and outline of existing structures identified by type. Buildings to be removed shall be so marked.

e. The location, pavement and right-of-way width, grade and name of existing streets or highways.

f. Location and type of existing street improvements.

g. Location, size and slope of existing storm drains.

h. Location, width and identity of existing and proposed easements and rights-of-way.

9. Any improvements proposed by the owner.

10. A grading plan, prepared by a Registered Engineer, showing proposed contours shall be submitted.

11. Proposed lot layout, building pads, and lot areas.

12. Location of existing utilities and proposed utilities.

13. A current title report, prepared within the six months prior to submission.

14. A soils and/or engineering geology report will be required unless waived by the City Engineer.

15. Any and all improvement designs shall be prepared by a Licensed California Civil Engineer and all designs and calculations shall be submitted with the application.

The City Engineer may waive any of the foregoing requirements upon finding that the location or nature of the proposed minor subdivision is such as not to necessitate compliance with these requirements, or may require additional information as deemed necessary.

**C. Submittal to Planning Commission.** The Tentative Parcel Map shall be considered complete only when such map conforms to the form and content requirements of this ordinance, as determined by the City Planner. The subdivider shall file, with the City Clerk, eight (8) copies of the Tentative Parcel Map. Fees must be paid in advance according to the City's current master fee schedule.

**D. Planning Commission Review.** The City Planner shall forward copies of the Tentative Parcel Map to the City Engineer and other affected public agencies which shall, in turn, forward to the Planning Commission their findings and recommendations concerning the proposed subdivision prior to hearing by the Planning Commission.

**E. Public Hearing and Notice.** Upon receipt of a Tentative Parcel Map application that is determined by the Planner to be complete, the Planner shall set the matter for a public hearing before the Planning Commission. Notice of the public hearing shall be given as provided in Section 66451.3 of the Government Code. The Planner may give such other notice that he deems necessary or advisable. Notice shall also be given pursuant to Government Code Sections 66453, 66455, 66455.1, and 66455.7, if applicable.

**F. Review and Action by Planning Commission.** The Tentative Parcel Map shall be reviewed by the Planning Commission for compliance with all applicable City ordinances and the State Subdivision Map Act. Upon completion of the Planning Commission action, the City Planner shall return one copy to the owner or his agent marked: "Approved as Submitted," "Approved as Noted," "Revise and Submit," or "Subdivision Denied." If the subdivision is denied, the subdivider or his agent shall be so notified in writing by the City within fifty (50) days of the Planning Commission action date, and such notice shall contain a statement of the reasons for denial.

**G. Planning Commission Denial of Application.** Pursuant to Government Code Section 66474, the Planning Commission shall deny approval of the Tentative Parcel Map if it makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.
2. That the design or improvements of the proposed subdivision is not consistent with applicable Plan, Zoning Ordinances and/or Specific Plans of the City of Blue Lake.
3. That the site is not physically suitable for the type of development.
4. That, as a result of a public hearing on the environmental issues of the project, the design of the subdivision or the proposed improvements are likely to cause

substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, all decisions being made in accordance with current federal, state and local environmental laws.

5. That the design of the subdivision or the types of improvements are likely to cause serious public health problems.

6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision as provided in Government Code Section 66474.

7. That discharge of waste from the proposed project into the existing community sewer system will not conform to requirements by the California Regional Quality Control Board, North Coast Region.

H. Conditions of Approval. In approving the Tentative Parcel Map, the Planning Commission may impose as conditions of filing a Parcel Map any or all of, but not limited to, the following requirements:

1. Frontage improvements.
2. Onsite improvements.
3. Offsite improvements.
4. Dedications.
5. Applicable fees.
6. Additional soils and/or engineering geology studies.
7. Additional traffic studies.

The subdivider or his engineer shall be notified in writing of all the conditions imposed.

I. Expiration and Extensions.

1. Expiration. An approval or conditional approval by the City of Blue Lake of the approved Tentative Map shall expire 24 months after its approval or conditional approval. The expiration of the approved or conditionally approved Tentative Parcel Map, or Vesting Tentative Map, shall terminate all proceedings and no Parcel Map for any portion of the real property included within such application shall be filed without first processing a new Tentative Parcel Map, such actions being subject to the requirements of Article 2 of Chapter 3 of Division 2 of Title 7 of the Government Code.

**2. Extensions.**

**a. Request by Subdivider.** The subdivider or his agent may request an extension of the expiration date of the approved or conditionally approved Tentative Parcel Map by written application to the Planning Commission filed prior to the expiration date.

**b. Planning Commission Action.** The Planning Commission shall review the request for extension and may extend the approved or conditionally approved Tentative Map for a period or periods not exceeding a total of three (3) years, except as may be allowed in Section 66452.6 of the Government Code. Prior to the expiration of an approved or conditionally approved Tentative Map, upon an application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

**J. Appeal of Planning Commission Action.** Appeals from and complaints concerning the action of the Planning Commission shall be filed with the City Clerk within ten (10) days after the action of the Planning Commission from which the appeal or complaint is taken and shall be governed by the provisions of Article 12 of this ordinance.

**502. PARCEL MAPS.** The form, contents, accompanying data, and filing of the Parcel Maps for subdivisions of fewer than five lots shall conform to the provisions of this section. The Parcel Map shall be in substantial conformance with the approved Tentative Parcel Map.

**A. Survey Required.** An accurate and complete survey of the land to be subdivided shall be made by a Registered Civil Engineer or Professional Land Surveyor and shall be performed in accordance with the Land Surveyors Act and usual practice. The review of a Tentative Map, or Parcel Map for which a Tentative Map was not required, shall be reviewed by the City Engineer or City Surveyor to determine compliance with generally accepted engineering or surveying practices per Section 66474.10 of the Government Code. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The traverse of the exterior boundaries of a proposed subdivision and of each block and lot shall be second order work and shall close by the use of standard surveying procedures. Calculations shall be submitted to the City Engineer.

**B. Form.** The content and the form of the Parcel Map shall conform to Article 3 of Chapter 2 of Division 2 of Title 7 of the Government Code and as provided in this section.

The Parcel Map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, statements, affidavits and acknowledgements may be legibly stamped or printed

upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

The size of each sheet shall be eighteen (18) by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch on all sides. The scale of the map shall not be less than 1 inch = 100 feet or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. Every sheet comprising the Parcel Map shall bear the scale, north point, legend, sheet number, and number of sheets comprising the map; the sheet's relationship to each adjoining sheet shall be clearly shown.

All printing or lettering on the map shall be of 1/8 inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawing.

**C. Contents.** The contents of the Parcel Map shall conform to the Subdivision Map Act and as provided in this section:

1. **Boundary.** The boundary of the subdivision shall be designated by a blue border applied to the reverse side of the tracing and on the face of the blue line prints. Such border shall not interfere with the legibility of figures or other data.

2. **Parcels Numbered.** Each parcel shall be numbered or otherwise designated. All easements or rights-of-way to be dedicated shall be identified by capitalized alphabetical letters. If dedications or offers of dedication are required, it will be made by statement on the Parcel Map and shall be in conformance with Section 66447 of the Government Code.

3. **Parcel Location.** The map shall show the location of each parcel and its relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey but only by reference to the existing record boundaries of such remainder if such remainder has a gross area of five acres or more.

4. **Statements.** The following statements shall appear only once:

a. **Owner's Statement.** A statement signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recording of said map except as expted by Section 66436 of the Government Code.

b. **Dedication Statement.** If dedications or offers of dedication are required, they shall be made by statement on the Parcel Map. Such dedication or offers of dedication shall be signed by the same parties and in the same manner as set forth in Section 66439 of the Government Code.

c. **Engineer's (Surveyor's) Statement.** The Engineer's (Surveyor's) Statement shall be in the form prescribed in Section 66449 of the Government Code and shall include the professional's registration stamp.

d. **Planning Commission Chairman's Statement.** A statement from the Planning Commission Chairman stating that the Tentative Map was approved by resolution of the Planning Commission. The date and number of the resolution shall appear in the certificate.

e. **Statement of Soils and/or Engineering Geology Report.** If a soils and/or engineering geology report is required for the subdivision, a statement shall appear stating that the report was prepared and is on file with the City of Blue Lake.

f. **Recorder's Statement.** The Recorder's Statement shall be in the form prescribed in Section 66449 of the Government Code.

g. **City Engineer's (Surveyor's) Statement.** The Statement by the City Engineer shall include his signature, date, and, below or immediately adjacent to the signature, indicate his or her registration or license number with expiration date and state that: (1) he or she examined the map; (2) the subdivision is shown is substantially the same as it appeared on the Tentative Map, and any approved alterations thereof; (3) all provisions of this chapter and of any local ordinances applicable at the time of approval of the Tentative Map, if required, have been complied with; and (4) he or she is satisfied that the map is technically correct. The City Engineer shall sign the map in accordance with the requirements of Section 66450 of the Government Code. The City Engineer shall complete and file with his or her legislative body his or her certificate or statement, as required in Section 66449 of the Government Code and this ordinance, within twenty (20) days from the time the Parcel Map is submitted to him or her by the subdivider for approval.

**D. Documents to be Submitted with Parcel Map.** The same documents that are required for a Final Map (see Section 701 of this ordinance) shall be submitted with a Parcel Map. The City Engineer shall require such other drawings, data or other information as deemed necessary and as per Article 3, Chapter 2 of Division 2 of Title 7 of the Government Code.

**E. Submittal to the City Engineer for Approval.** The subdivider shall submit two prints of the Parcel Map to the City Engineer for checking and approval. The prints shall be accompanied by two copies of each of the accompanying documents required to be filed. After making any required corrections, the subdivider shall submit to the City Engineer the original tracing of the revised map, signed by all parties required to execute the certificates or statements.

**F. Filing with the County Recorder.** The City Clerk shall file the approved Parcel Map with the County Recorder. The cost of such recording shall be paid by the subdivider.

**G. Subdivision Agreement.** Prior to the approval of the Parcel Map by the Planning Commission, the subdivider shall enter into a Subdivision Improvement Agreement with the City in conformance with Section 709 of this ordinance. The Subdivision Improvement Agreement shall be prepared by the City Attorney, and shall be reviewed and approved by the Planning Commission, and after approval shall be signed by its Chairman.

### **503. LOT LINE ADJUSTMENTS.**

**A. Filing of Lot Line Adjustments.** Any property owner requesting a lot line adjustment shall file with the City Clerk a duplicate tracing and eight (8) copies of the lot line adjustment map, a copy of a current title report together with an application. The map shall be a minimum of 8-1/2 x 11 inches in size and indicate the exterior boundaries, the existing lot lines, and the proposed adjustment of such lines at a scale of not less than 1 inch = 100 feet. Fees must be paid in advance according to the City's current master fee schedule.

The lot line adjustment map shall accurately locate all existing rights-of-way, easements, and existing structures. The property lines indicated shall be obtained from existing recorded maps, and the map need not be prepared by an engineer or surveyor unless required by the City Engineer (Surveyor) and in accordance with Section 8762 of the Business and Professions Code. When required by the City Engineer (Surveyor), the map shall have all structures and adjoining lot lines accurately located by a Professional Engineer or Surveyor, to determine the effect of a lot line adjustment on the existing development.

The lot line adjustment map shall indicate all dimensions and courses of property lines, the Assessor's parcel numbers, structures, the zoning of the property, the area of each existing parcel, and the resultant area of the revised lots. The map shall contain statements by the parties holding title pursuant to Section 502 of this ordinance, and the name of the person preparing the map.

**B. Distribution of Lot Line Adjustment Maps.** The City Clerk shall, after receipt of a complete submittal for a lot line adjustment, transmit such requests to the City Planner, Public Works Director, the City Engineer, the Planning Commission, and those departments and local agencies which may have an effect on the proposal. The Planning Commission shall place the request on the next regular agenda.

**C. Planning Commission's Actions.** The Planning Commission may approve a lot line adjustment when it finds that:

1. The lot line adjustment does not violate existing codes and policies; and
2. The lot line adjustment will not create difficult or unreasonable access to the parcels; and
3. The lot line adjustment would not require variances to permit standard development; and



4. Utilities and public services can be provided to the revised parcels; and
5. No street dedication or improvements are required.

The Planning Commission may amend such lot line adjustment maps as a condition of approval.

**D. Notification.** Approval or disapproval of a lot line adjustment by the Planning Commission shall appear on the lot line adjustment map. A copy thereof shall be transmitted to all owners of record. A permanent copy of each lot line adjustment request and map shall be maintained in the office of the City Clerk, with a copy of each approved map provided to the City Engineer and Public Works Director. Applicants, as a condition of approval, shall provide a reproducible original of the approved Lot Line Adjustment Map.

**E. Recording.** If a lot line adjustment is approved by the Planning Commission, the City shall record the lot line adjustment with the County Recorder. The cost of such preparation and recording shall be paid by the applicant.

**F. Boundary Corrections.** The adjustment of property lines for the correction of record title descriptions or real property is exempt from the lot line adjustment requirements of this Section 503, provided that the City Surveyor finds 1) that the correction is necessary to correct deed descriptions to coincide with the physical conditions and/or occupation lines of the properties, 2) that such physical conditions and/or occupancy lines have existed for a minimum of five (5) years, 3) that all affected property owners consent to the correction, and 4) that the parcels resulting from the lot line correction will conform to the local general plan and zoning and building ordinances. A written statement declaring the purpose of the correction shall be submitted to the City Surveyor by a Licensed Land Surveyor or a Registered Civil Engineer qualified to practice land surveying along with a Record of Survey or Subdivision Map for recordation showing the monumentation of the new property line.

A deed or deeds must be recorded to correct the descriptions and must have a note on the first page as follows: "The recordation of this deed is to correct record title to coincide to the physical occupation of the property. This correction is exempt from the provisions of the Subdivision Map Act and local ordinances enacted pursuant thereto. No new or additional parcels are created by this correction." Legal descriptions within these deeds must be prepared by a Licensed Land Surveyor or a Registered Civil Engineer qualified to practice land surveying.

#### **504. WAIVER OF REQUIREMENT OF PARCEL MAP.**

**A. Waiver of Requirement.** The requirement under the Subdivision Map Act of a Parcel Map shall be waived in accordance with Government Code Section 66428 and the procedures set forth in this section. No Tentative Map shall be required in cases where a Parcel Map is waived.

**B. Application; Filing Fee.** An application for waiver of the requirement of a Parcel Map shall be filed with the Planning Commission upon such forms and accompanied by a plot plan and such information as may be prescribed by the Planning Commission. Fees must be paid in advance according to the City's master fee schedule.

**C. Action by Commission.** An application for waiver of the requirement of a Parcel Map shall be acted upon by the Planning Commission as soon as practicable after receipt of a filing deemed to be complete by the City Planner. The Planning Commission, or the City Council upon appeal, may by written document or resolution, approve the application for waiver if it finds that the proposed division of land complies with the requirements of the Subdivision Map Act, and this ordinance, as amended, including requirements pertaining to: area, improvement and design, floodwater drainage control, improved public roads, sanitary disposal facilities, environmental protection, consistency with the General Plan, water supply availability, and other requirements.

Any requirements for the construction of reasonable onsite and offsite improvements for a parcel being created by the proposed division of land shall be set forth in the instrument approving the application of waiver. The construction of such improvements shall be required prior to the subsequent issuance of a permit or other grant of approval by the City for the development of said parcel. Fulfillment of said construction requirement(s) shall not be required until such time as a permit or grant of approval is issued by the City, that fulfillment of the construction requirements is necessary for reasons of:

1. Public health or safety; or
2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

**D. Approval for any Issuance and Recording of Certificate of Compliance.** Approval of an application for waiver of the requirement of a Parcel Map shall automatically constitute approval for the issuance of a Certificate of Compliance pursuant to the provisions of Section 66499.35 of the Government Code. When approval has been given to an application for waiver of the requirement of a Parcel Map, then concurrently therewith, or at any time thereafter, at the request of the owner of the property, the Planning Commission shall, without further application or proceedings, issue a Certificate of Compliance consistent with such waiver and shall cause said Certificate of Compliance to be filed for record with the Recorder of Humboldt County, in the manner set forth in Government Code Section 66499.35. The cost of such application, processing, and all fees and expenses shall be paid by the applicant.

**E. Appeal of Planning Commission Action.** Appeals from the action of the Planning Commission shall be filed with the City Clerk within ten (10) days after the action of the Planning Commission from which the appeal is being taken and shall be governed by the provisions of Article 12 of this ordinance.

**ARTICLE 6.**  
**TENTATIVE MAP OF SUBDIVISION OF FIVE OR MORE LOTS**

**601. TENTATIVE MAP OR VESTING TENTATIVE MAP.** The form and contents, submittal and approval of Tentative Maps and Vesting Maps for subdivisions of five or more lots shall conform to the provisions of this section and to those of Chapter 3 of Division 2 of Title 7 of the Government Code. At the time a Vesting Tentative Map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

The applicant shall file with City Clerk one (1) reproducible and twelve (12) blueprint copies of the Tentative Map. Fees must be paid in advance according to the City's current master fee schedule.

**602. FORM OF TENTATIVE MAP AND INFORMATION ON TENTATIVE MAP OR VESTING MAP.** The Tentative Map shall be prepared under the direction of a Civil Engineer, licensed in California, or a Licensed California Surveyor, and shall be clearly and legibly drawn. All improvement plans required under this ordinance shall be prepared by a Civil Engineer, licensed in California. The scale of the map shall be as approved by the City Engineer, and all lettering shall be no less than 1/8 inch in height. The final form shall be as approved by the City Engineer and consistent with the Subdivision Map Act.

A. Except as otherwise provided herein, the Tentative Map shall be substantially in conformance with the Subdivision Map Act.

B. The Tentative Map (Vesting Map) shall contain the following information and data:

1. Proposed name of subdivision.
2. Name and address of the record owner(s) of the property to be subdivided, name and address of the subdivider, and the authorization to make application from the Owner if the subdivider is not the Owner.
3. Name and stamp of Registered Civil Engineer or Licensed Surveyor who prepared map.
4. Date of preparation, north arrow, and scale.
5. Approximate acreage of all parcels and all remainders along with total approximate acreage.
6. Boundary lines and legal description to define boundaries of the proposed subdivision.
7. The location, proposed names, present width, and approximate grades of adjacent roads, streets, highways, or ways.

8. The locations, names, width, proposed grade and curve radii of all roads, streets, highways and ways in the proposed new subdivision.

9. The location of all trees larger than eight (8) inches in diameter measured at a height of four and one-half (4-1/2) feet above the ground.

10. Topographic data shall be shown in sufficient intervals and detail, at intervals of one (1) foot, if the slope is less than ten percent, and five-foot intervals where the slope is greater than ten percent, to provide for proper study of drainage, sewage disposal and road locations. The locations of existing buildings on or near the proposed subdivision, and unusual natural features in the area shall be indicated. Identify the source and date of the contours.

11. The width and approximate locations of all existing or proposed easements or rights-of-way, and existing facilities, whether public or private, for roads, drainage, sewers, public utilities or flood control purposes.

12. The outline of any buildings to remain in place and their locations in relation to existing or proposed streets and lot lines.

13. Typical cross sections of proposed streets and alleys.

14. Lot lines and approximate dimensions, lot numbers, and building pads.

15. Locations and approximate dimensions of proposed public areas. Provision for park and recreation services, schools and other needed public areas or community facilities, which will be affected by or result from the subdivision.

16. Limitation on rights of access to and from streets, lots and other parcels of land, locations and approximate width of reserve strips.

17. Location and widths of watercourses and area subject to inundation. A statement which satisfies the requirements of the City of Blue Lake Flooding Ordinance, as amended.

18. Location and dimensions of structures, irrigation ditches, pipelines, railroads and other physical features.

19. Locations of City boundary lines and boundary lines of any other public district which lie within or adjacent to the proposed subdivision.

20. Along with the Tentative Map, preparation and submission of a drainage and grading plan for the site and offsite area. The plan is to clearly provide for the disposal of storm water. Provide a statement regarding compliance with the Non-Point Runoff Program of the State Water Resources Control Board. A drainage study with calculations shall be provided with the submission.

**21. The existing and proposed land use of each lot within the subdivision. Show General Plan and Zoning designations.**

**22. A proposed landscaping and tree planting plan.**

**23. A vicinity map showing the proposed subdivision and surrounding subdivisions and streets located within one-quarter (1/4) mile radius of the boundaries of the proposed subdivision.**

**603. DOCUMENTS TO ACCOMPANY TENTATIVE MAP. The Tentative Map shall be accompanied by reports and written statements from the applicant to provide essential information regarding the following:**

- A. Legal description of the property.**
- B. Source of water supply. Provide calculations on water quantity and pressure at the property line of each parcel.**
- C. Proposed method of sewage disposal. Provide calculations on sizing.**
- D. Proposed storm water sewer or other means of drainage. Provide a drainage study.**
- E. Identify type of street improvements. Provide a traffic study when required by the City Engineer.**
- F. Any protective covenants to be recorded.**
- G. Identify areas of the subdivision to be devoted to each land use classification.**
- H. Other improvements proposed to be made or installed.**
- I. Description and location of community facilities, which would serve the proposed subdivision.**
- J. A current Title Report, dated within the six months previous to the acceptance of the application, describing all rights-of-way and easements to which the property to be subdivided is subject and encumbrances of record.**
- K. Lot size of each lot. Lots shall be numbered. Easements and rights-of-way and other dedications shall be lettered.**
- L. Preliminary reports from the telephone and electric utility companies which will serve this subdivision as to the approximate per-lot costs for the provision of telephone and electric services by underground burial.**

**M. A soils report prepared by a Civil Engineer registered in California, and based upon adequate test borings.**

**N. Justification and reasons for any exceptions to the provisions of this ordinance.**

**604. PUBLIC HEARING BEFORE PLANNING COMMISSION, NOTICE, REVIEW, AND ACTION.**

**A. Completeness of Application. The Tentative Map application shall be considered complete only when such map, statements and other submissions all conform to the form and content requirements of this ordinance.**

**B. Public Hearing and Notice. Upon receipt of a Tentative Map application that is determined by the Planner to be complete, the Planner shall set the matter for a public hearing before the Planning Commission within fifty (50) days, unless the time limit for review and action on the map is extended by mutual agreement of the Planning Commission and the subdivider. Within fifteen (15) days of the filing of the Tentative Map, or such longer period as the Planning Commission may prescribe, the City Planner shall submit to the Planning Commission a written report of recommendations regarding the proposed subdivision. The City Planner shall notify other public and private agencies who were asked to comment on the date set for consideration for the map by the Planning Commission. Notice of the public hearing shall be given as provided in Section 66451.3, Chapter 3 of Division 2 of Title 7 of the Government Code. The Planner may give such other notice as he deems necessary or advisable. Notice shall also be given pursuant to Government Code Sections 66453, 66455, 66455.1, and 66455.7, if applicable.**

**C. The Planning Commission shall determine whether the Tentative Map is in conformity with the provisions of law and of this ordinance. Upon that basis, the Planning Commission shall, within fifty (50) days after the filing of the Tentative Map, unless such time shall have been extended by mutual agreement with the subdivider, by resolution, approve, conditionally approve, or disapprove the proposed subdivision. Within ten (10) days of its acting on the Tentative Map, the Planning Commission shall report such action in writing directly to the subdivider and to the City Engineer; and to the County Planning Commission, if the map encompasses area County jurisdiction. The Planning Commission shall approve, conditionally approve or deny the Tentative Map on any grounds provided by City ordinances and the Subdivision Map Act. The Planning Commission shall make findings as the basis for its decision.**

**The City shall comply with the time periods referred to in Section 21151.5 of the Public Resources Code. The time period specified above for Planning Commission action shall commence after certification of the Environmental Impact Report, adoption of a Negative Declaration, or a determination by the local agency that the project is exempt from the requirements of Division 13 of the Public Resources Code.**

Within two (2) weeks after the filing of a complete Tentative Map application and the required accompanying statements from the applicant, the City Clerk shall transmit copies to the City Planner who shall request comment from the following:

- Director of Public Works
- District Fire Chief
- City Engineer
- All School Districts within which jurisdiction the subdivision is located
- Department of Highways (Caltrans), if the proposed subdivision affects a state highway
- Pacific Gas and Electric Company
- Pacific Bell
- Current Cable Provider
- California Real Estate Commission (if affected)
- Blue Lake Rancheria (if affected)
- County of Humboldt Planning Department (if affected)
- Police Chief
- Department of Fish and Game (if affected)

A report for recommendation on a Tentative Map by the staff of the City shall be in writing and copy thereof served on the subdivider and on each tenant of the subject property at least three (3) days prior to any hearing or action on such map.

Pursuant to Government Code Section 66474, the Planning Commission shall deny approval of the Tentative Parcel Map if it makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, except as provided in Government Code Section 66474.01.
6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision as provided in Government Code Section 66474.

8. That discharge of waste from the proposed project into the existing community sewer system will not conform to requirements by the California Regional Quality Control Board, North Coast Region.

9. That only practical use which can be made of the property proposed to be subdivided is a use prohibited by ordinance or law or if the property is deemed unhealthful or unfit for human habitation or occupancy by the City or County Health Officer.

D. If no action is taken upon a Tentative map by the Planning Commission within the time limits specified in Chapter 2 of Division 2 Title VII of the Government Code, or any authorized extension thereof, the Tentative Map as filed shall be deemed to be approved, insofar as it complies with other applicable requirements of the Subdivision Map Act and local ordinance, and it shall be the duty of the City Clerk to certify or state his or her approval.

E. Appeals of Planning Commission Action. Appeals from and complaints concerning the action of the Planning Commission shall be filed with the City Clerk within ten (10) days after the action of the Planning Commission from which the appeal or complaint is taken and shall be governed by the provisions of Article 12 of this ordinance.

F. The Planning Commission may require, from the subdivider, the dedication of suitable areas for the parks, playgrounds and schools, and other public building sites. Any fees to be assessed for parklands, playgrounds, school sites and other public facilities shall be determined in accordance with the requirements of Subdivision Map Act and other City of Blue Lake ordinances.

G. Notwithstanding subdivision (e) of Section 66474, the City may approve a Tentative Map if an Environmental Impact Report was prepared with respect to the project and a finding was made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in an Environmental Impact Report.

H. The Tentative Map approval or disapproval shall only be based on ordinances, policies, and standards in effect when the application is complete, except as otherwise provided in Government Code 66474.2.

#### **605. TERMINATION OF TENTATIVE MAP APPROVAL.**

A. Expiration. Failure to record a Final Map within twenty-four (24) months of the date of approval or conditional approval of the Tentative Map shall terminate all proceedings and no Final Map for any portion of the real property included within such



**Tentative Map shall be filed without first processing a New Tentative Map. The provisions of Government Code Section 66452.6 shall apply for both Tentative Maps and Vesting Tentative Maps.**

**B. Process of Extension.**

**1. Request by Subdivider. The subdivider or his agent may request an extension of the application date of the approved or conditionally approved Tentative Map by written application to the Planning Commission filed prior to the expiration date.**

**2. Planning Commission Action. The Planning Commission shall review the request for extension and may extend the approved or conditionally approved Tentative Map for a period or periods not exceeding a total of three (3) years from the original date of approval. Prior to the expiration of an approved or conditionally approved Tentative Map, upon an application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.**

**3. Planning Commission Denial. Except as otherwise herein provided, any appeal from the action of the Planning Commission shall be governed by the provisions of Article 12 of this ordinance and Government Code Section 66452.5.**

**ARTICLE 7.**  
**FINAL MAP, REVERSION TO ACREAGE AND MERGER**

**701. FILING.**

**A.** Prior to the expiration of the Tentative Map and the submittal of the Final Map, the subdivider shall cause the subdivision or any part thereof, to be surveyed and a Final Map thereof prepared in accordance with Government Code Section 66456 in conformance with the Tentative Map as approved or conditionally approved. Multiple Final Maps may be placed on one Tentative Map in accordance with Government Code Section 66456.1.

**B.** The original and two blue line or black line prints of the Final Map shall be filed with the Planning Commission. Fees must be paid according to the City's current master fee schedule. Within three (3) days after the filing of the Final Map, the City Clerk shall transmit the tracings and prints thereof to the City Engineer for his review. Upon his review and approval, it shall be submitted to the City Clerk for filing.

**C.** An approvment agreement will be prepared and signed by the subdivider and the City. The agreement shall be consistent with the Government Code Section 66462 et al. as a condition precedent to the approval of the Final Map.

**D.** An extension of time for filing of the Final Map may be granted by the City Council upon recommendation by the Planning Commission, providing written application is made by the subdivider prior to the expiration of the Tentative Map, in accordance with Section 605 of this ordinance and in accordance with Government Code Section 66456.2.

**E.** A copy of any deed restrictions applicable to the subdivision shall be filed with the City Clerk at the time of filing the Final Map.

**F.** At the time of the filing of the Final Map, with the Planning Commission, the subdivider shall also file therewith the following:

**1.** In the event any dedication is to be made for the public use, a current title report, prepared within six (6) months prior to submission, issued by a title insurance company in the name of the owner of the land, issued to or for the benefit and protection of the City of Blue Lake, showing all parties whose consent is necessary and their interest therein, all in accordance with Government Code Section 66465 and Article 3, Dedications, of Chapter 4. of the Subdivision Map Act.

**2.** Sheets and drawings showing traverse closures and the computation of all distances, angles and courses shown on the Final Map, ties to existing and proposed monuments, and adjacent subdivisions and/or highway stations. All calculations shall be submitted.

3. Drawings and specifications which constitute the improvement plans for the subdivision.

#### **702. FORM OF FINAL MAP.**

A. The Final Map shall be clearly and legibly ink-drawn upon mylar. Typewriting or rubber stamps may be used if legible by reproduction and as approved by the City Engineer. The map shall be so made and shall be in such condition when filed that legible blueprints and negatives can be made therefrom. The size of the sheets shall be eighteen (18) by twenty six (26) inches leaving a margin of one inch on all edges. The scale of the Final Map shall be suitable to clearly convey all of the information on the map.

B. Every sheet comprising the Final Map shall bear the scale, north point, legend, sheet number, and number of sheets comprising the map.

C. The survey shall be tied into the City monument system and shall be done on the California coordinate system.

D. Sufficient data must be shown to determine readily the bearing and length of every lot line, block line and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot. No ditto marks shall be used. Lots containing one acre or more shall show total acreage to nearest hundredth. Bearing and lengths of straight lines, and radii and arc length for all curves, as may be necessary to determine the location for the centers of the curves and tangent points, shall be shown. No lot shall be dimensioned to contain any part of an existing or proposed public right-of-way.

E. Whenever the City Engineer has established the center line of a street or alley, adjacent to or in the proposed subdivision, the data shall be shown on the Final Map indicating all monuments found and a reference shall be made to the source of the information. If the points were reset by ties, the course and detail relocation data shall be shown. Applicant shall install new monuments at locations required by the City Engineer and consistent with the Subdivision Map Act.

#### **703. MONUMENTS.**

A. The Final Map shall show clearly all stakes, monuments or other evidence found on the ground which were used as ties to determine the boundaries of the tract. The corners of adjoining subdivisions or portions thereof shall be identified and ties shown.

B. All permanent monuments shall be placed prior to recording the Final Map in conformance with Government Code Sections 66495, 66496, 66497, and 66498.

C. Prior to completion of the City Engineer's Certificate of Compliance per Section 709 of this ordinance, if the subdivider placed a cash deposit with the City, the City shall pay the surveyor or engineer with the deposit, if so requested by the subdivider. If the

subdivider does not present evidence of payment, and if the surveyor or engineer notifies the City of Blue Lake that payment has not been received for setting the final monuments, the City of Blue Lake shall pay the surveyor or engineer from the deposit, within three months of the notification.

#### **704. ADDITIONAL REQUIREMENTS.**

A. Where this ordinance requires additional information to be filed or recorded simultaneously with the Final or Parcel Map, the additional information shall be in the form of a separate document or an additional map sheet in conformance with Government Code Section 66434.2 and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. It is understood for purposes of this ordinance that, where this ordinance states the requirements for additional information to be placed on the Final Map, such additional information shall be provided in accordance with the above Government Code Section.

B. The Final Map shall show the line of high water and flood hazard zones.

C. The Final Map shall show the lots, by number, which have fill.

D. The Final Map shall show building setback lines.

E. The Final Map shall show seismic lines and setbacks.

F. The boundary of the subdivision shall be designated by a border applied to the reverse side of the tracing.

G. Streets and rights-of-way. The Final Map shall show the right-of-way lines of all streets, the dimensions of all portions being dedicated and existing dedications. All easements and rights-of-way shall be shown and dimensioned. Each street shall be named from a list prepared and approved by the Planning Commission.

H. The Final Map shall show the dimensions of all easements to which the subdivision and the lots are subject. The easements will be clearly labeled and identified, and if already on record, its recorded reference given. Easements for storm drains, sewers and other purposes shall be denoted by fine dotted lines. The width of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement, with respect to the subdivision, will be shown. All dedications shall be in accordance with Government Code Section 66439.

I. City and all District and agency boundary lines crossing or bounding the subdivision shall be clearly designated.

J. Subdivision lots shall be identified with numbers or letters. Easements, rights-of-way and other public parcel dedications shall be identified by alphabetical letters.

**K. The Final Map shall provide a statement regarding the preparation of a soils report, together with the date of the report and name of the responsible professional making the report. The City will provide the soils report and/or geologic report in accordance with Government Code Section 66434.5.**

**L. The Final Map shall also show all other data that is or may be required by law, and by Article 2 of Chapter 2 of the Subdivision Map Act (commencing with Section 66433).**

#### **705. SURVEY REQUIREMENTS.**

**A. The survey for the Final Map shall be prepared by or under the direction of responsible parties and shall contain the information identified in Government Code Sections 66434 and 8772.**

**B. The accuracy of the survey shall be better than second order. Calculations must be submitted to the City Engineer.**

#### **706. IMPROVEMENTS.**

**A. The subdivider shall improve, and/or agree to improve, and have improvement plans prepared for, all lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements, rights-of-way, water system, sewage system, and all other infrastructure, all in accordance with Government Code Section 66456.2, as a condition precedent to acceptance thereof and approval of the Final Map.**

**B. Improvements shall conform with the City of Blue Lake Subdivision Design Standards as prepared by the City Engineer, and as approved by the City Council; and to Caltrans standards, AASHTO standards, APWA standards, and ASTM standards, as approved by the City Engineer.**

**C. An Improvement Agreement shall be prepared and signed between the subdivider and the City of Blue Lake. The agreement shall conform to Government Code Sections 66462 and 66462.5, and Section 709 of this ordinance.**

**D. Improvements shall be constructed in accordance with plans approved by the City Engineer. Improvements shall be installed to grades prescribed by the City Engineer. Notice shall be given by the subdivider to the City Engineer and Director of Public Works no later than forty-eight (48) hours prior to the commencement of construction.**

**E. The City Engineer and/or his representatives shall have the right to enter upon the sites of improvements for the purpose of inspecting them and shall be furnished with samples of materials as may be required by the City Engineer for the making of tests to determine the acceptability of such materials. The City shall charge the subdivider for its costs of materials testing and inspections at a cost established on the master fee schedule.**

**F. Whenever this ordinance requires that a subdivider install sewers, drains, water lines or other public facilities as conditions precedent to the acceptance of a Final or Parcel Map, and where, in the opinion of the Planning Commission, it is necessary that mains or other facilities be constructed which can be, or will be, used for the benefit of property not in the subdivision, and such facilities are dedicated to the public, the City Council may, by contract with the subdivider, agree to reimburse the subdivider for such public facility, or a portion thereof, as determined within a study of allocated costs prepared by the City Engineer and submitted to the Planning Commission for its approval. Such report shall also take into account the repayment provisions of the current sewer and water ordinances of the City.**

**G. Upon completion of the required improvements by the subdivider, the City Engineer shall make a final inspection of the subdivision. When it is found upon inspection that all improvements have been installed in accordance with the Improvement Agreement, the City Engineer shall transmit a letter indicating such findings to the City Council and the Planning Commission.**

**H. The Final Map shall be accompanied by a utilities plan showing location plan and profile of sewer and water; and a plan of street lighting and power.**

**I. The Final Map shall be accompanied by a drainage plan showing street grades, curbs, gutters, catch basins, storm sewers, drainage channels, natural drainageways and other drainage works in sufficient detail to enable the City Engineer to determine the adequacy of provisions for drainage and the disposal of surface and storm waters.**

**J. A cost estimate of the value of construction improvements shall be submitted to the City Engineer by a Registered Professional Engineer in California, prior to approval of the Final Map.**

#### **707. CERTIFICATES, STATEMENTS, ACKNOWLEDGEMENTS, AND TAX BOND**

**A. All statements and acknowledgements, now or hereafter required by law, shall appear on the Final Map in accordance with Government Code Sections 66433 through 66443.**

**1. Standards for preparation shall be consistent with Government Code Section 66434.**

**2. Acknowledgement of owner's development liens shall be shown on Final Map in accordance with Government Code Section 66434.1.**

**3. Certificates, statements and acknowledgements made by separate instrument shall be filed concurrently with Final Maps consistent with Government Code Section 66435.1. Final Maps shall reference separately recorded certificates, statements or acknowledgements.**

4. When a soils report, geologic report or soils and geologic report has been prepared specifically for the subdivision, each report shall be kept on file for public inspection by the City.

5. A statement, signed and acknowledged by all parties having any record title interest in the subdivided real property, consenting to the preparation and recordation of the Final Map, shall be prepared in accordance with the requirements and exceptions of Government Code Section 66436.

6. Dedications of, or offers to dedicate interests in, real property for specified public purposes shall be made by a statement on the Final Map in accordance with the requirements of Government Code Section 66439.

7. A statement by the Civil Engineer or Professional Land Surveyor responsible for the survey and Final Map is required. His or her statement shall give the date of the survey, state that the survey and Final Map were made by him or her, or under his or her direction, and that the survey is true and complete as shown. Additional statements shall be consistent with the requirements of Government Code Section 66441.

8. A statement for execution by the City Engineer is required and shall be prepared in accordance with Government Code Sections 66442 and 66449.

9. A statement for execution by the City Planning Commission is required and shall be prepared in accordance with Government Code Section 66440. It shall state that "The Tentative Map was approved by resolution of the Planning Commission." The date and the number of the resolution shall appear in the certificate. It shall be signed by the Chairman of the Planning Commission.

10. A statement of soils and/or engineering geology report preparation shall be made if such report is required under this ordinance. The statement shall identify whether the report is a soils and/or engineering geology report, that the report was prepared, an identification of the professional preparing the report, and that the report is on file with the City of Blue Lake.

11. A statement for execution by the City Clerk is required in accordance with Government Code Sections 66440 and 66443. The statement shall state that "The City Council approved the map and accepted, subject to improvement, on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication."

12. A statement for execution by the County Recorder shall be prepared in accordance with Government Code Section 66449.

B. Prior to the filing of the Final Map, the subdivider shall, in accordance with procedures established by the County of Humboldt, file a certificate showing that there are

no liens against the subdivision or any part thereof in accordance with the requirements of Government Code Section 66492.

#### **708. ACTION ON FINAL MAP**

**A. Approval by City Engineer and/or by City Surveyor.** Upon receipt of the Final Map and other data submitted therewith by the Planning Commission, said map and data shall be referred to the City Engineer who shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the Tentative Map, and any approved alterations thereof, that all provisions of the law and of this ordinance applicable at the time of approval of the Tentative Map have been complied with, and that he is satisfied that the map is technically correct. If the City Engineer shall determine that full conformity therewith has not been made, he shall advise the subdivider of the changes or additions that must be made for such purposes and shall afford the subdivider an opportunity to make such changes or additions. When the City Engineer shall determine that full conformity therewith has been made, he shall transmit that information with the map to the Planning Commission for its signature and to the City Clerk for its signature after which City Engineer shall so certify on said map and transmit to the City Clerk for further processing.

**B. Approval of Planning Commission.** Upon return of the Final Map by the City Engineer, the City Planning Commission shall examine the same to determine whether said map conforms with the Tentative Map and with all changes permitted and all requirements imposed as a condition to its acceptance. If the Planning Commission shall determine not to recommend said map, it shall advise the subdivider of the changes or additions that must be made for such purpose and shall accord him an opportunity to make same. When the Planning Commission shall, thereupon, determine that said map is in conformity therewith and determines to recommend said map, it shall certify its approval thereon and shall transmit said map to the City Clerk, together with any accompanying documents for filing with the City Council.

**C. Approval by City Council.** At its first regular meeting following the filing of said map with the City Clerk as aforesaid, the City Council shall consider said map, the plan of subdivision and the offers of dedication. The City Council may accept or reject any or all offers of dedication. When the City Council shall determine that said map is in conformity with the requirements of this ordinance, and that it is satisfied with the plan of subdivision, it shall approve said map. When the subdivider shall have filed with the City Clerk, the agreement and bond, or made the deposit, described in Section 709 hereof, and when such deposit is made and such agreement and bond shall have been approved by the City Attorney, as to form, and by the City Engineer as to sufficiency, the City Clerk shall transmit the map to the clerk of the County Board of Supervisors.

When all bonds, money or negotiable bonds required under the provisions of this ordinance to secure the payment of taxes and assessments which are a lien on some part of the subdivision but which are not yet payable, have been deposited with and approved by the Board of Supervisors, the clerk of the Board shall transmit the Final Map to the County Recorder.



If the City Council shall determine either that said map is not in conformity with the requirements of this ordinance or that it is not satisfied with the plan of subdivision, it shall disapprove said map, specifying its reason or reasons therefor and the City Clerk shall in writing within ten (10) days advise the subdivider of such disapproval and of the reason or reasons for such disapproval. Such disapproval shall meet the requirements of and shall be in conformance with Article 1 of Chapter 4 of the Subdivision Map Act, commencing with Section 66472. Within thirty (30) days after the City Council has disapproved any map, the subdivider may file with the Planning Commission a map altered to meet the approval of the City Council. In such case the subdivider shall conform to all the requirements imposed upon him by this ordinance when the first Final Map was filed with the Planning Commission and the same proceedings shall be had thereon as are prescribed by this ordinance upon the filing of the first Final Map with the Planning Commission. No map shall have any force or effect until the same has been approved by the City Council and no title to any property described in any offer of dedication shall pass until after the recordation of the Final Map.

D. Corrections or amendments to a Final Map shall meet the requirements of Article 7 of Chapter 3 of the Subdivision Map Act, commencing with Section 66469.

E. The City shall not deny approval of, nor add conditions to, a Final Map if it has previously approved a Tentative Map for the proposed subdivision and if it finds that the Final Map is in substantial compliance with the previously approved Tentative Map.

#### **709. AGREEMENT, BOND AND CASH DEPOSITS FOR IMPROVEMENTS**

A. Prior to the approval by the City Council of the Final Map, the subdivider shall execute and file an agreement between himself and the City. The form for this subdivision Improvement Agreement shall be as recommended by the City Attorney, approved by the Planning Commission, the City Engineer, and then adopted by the City Council. Such improvement work shall be completed to the satisfaction of the City Engineer and all work shall be subject to the provisions of the Subdivision Improvement Agreement. No work shall commence prior to the execution of said agreement by both the City and the subdivider. City Engineer will provide Planning Commission with a certification that the City staff has inspected the improvements and that subdivider has met the requirements of the Subdivision Improvement Agreement.

B. The subdivider shall also file with the aforesaid agreement, to assure his full and faithful performance thereof, a bond deposit, instrument of credit, lien on the property, letter of credit, cash, or other form of security acceptable to the City Council for 100% of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the agreement, and an additional amount of 100% of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement or the performance of the required act, all such being prepared in accordance with Chapter 5 of the Subdivision Map Act, commencing with Section 66499. Such bond shall be executed by a surety company authorized to transact

business in the State of California and must be approved by the City Attorney as to form and by the City Engineer as to sufficiency.

C. The subdivider shall also file with the aforesaid agreement security, acceptable to the City of Blue Lake, for 10% of the cost of improvements for the guarantee and warrantee of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

D. As a part of the obligation guaranteed by the security, and in addition to the face amount of the security, there shall be included cost and reasonable expenses and fees of the City, including reasonable attorney's and engineering fees, incurred by the City of Blue Lake in successfully enforcing the obligation secured.

E. If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, the improvement security of the subdivider may be reduced by an amount corresponding to the amount of such bonds furnished by the contractor.

F. All security instruments shall be a trust fund to guarantee performance and shall not be subject to enforcement of a money judgement by any creditors of the depositor until the obligation secured thereby is performed to the satisfaction of the City.

G. The manner of release of security shall be as per Government Code Sections 66499.7 and 66499.8. No extension of time, payment of progress payments from deposits, or releases of surety bonds or cash deposits, shall be made except upon certification by the City Engineer that work covered thereby has been satisfactorily completed, and upon recommendation of the City Engineer and approval of the City Council.

H. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this ordinance and the City shall have completed same; or if the subdivider shall fail to reimburse the City for incidental expenses, and to cover cost of replacement and repair of existing streets or other improvements damaged in the development of the subdivision, the City shall call on the surety for reimbursement, or shall appropriate from any cash deposits funds for reimbursement. In any such case, if the amount of surety bond or cash deposit shall exceed all costs incurred by the City, it shall release the remainder of such bond or cash deposit and if the amount of the surety bond or cash deposit shall be less than the cost and expense incurred by the City, the subdivider shall be liable to the City for such difference. Such action by the City shall be in accordance with Government Code Sections 66499.9 and 66499.10.

**710. REVERSION TO ACREAGE.** Subdivided property may be reverted to acreage pursuant to provisions of this ordinance and Article 1 of Chapter 6 of the Subdivision Map Act, commencing with Section 66499.11.

A. Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form

prescribed by the City Attorney. The petition shall contain the information required by Subdivision Map Act and this ordinance. The City Planner shall initiate the response to the application.

B. The City Council may on its own motion initiate proceedings for reversion to acreage. The City may authorize the merger of continuous parcels under common ownership without reverting to acreage. Recordation of the evidence of merger shall be done by a Parcel Map. The proceedings will take place through the City Planning Commission under the direction of the City Planner and in conformance with Government Code Sections 66499.11 through 66499.20<sup>3/4</sup>.

C. Petitioners shall file information required by Government Code Sections 66499.16 and 66499.17, along with a title report prepared within six (6) months previous to the application date, and such additional information as may be required by the City Planner.

D. Petitions to revert property to acreage shall be accompanied by fees in accordance with the Master Fee Schedule of the City of Blue Lake.

E. The Parcel Map for the reversion to acreage, and all other information provided with the application, shall be submitted to the City Engineer for review. The City Engineer will submit the Parcel Map to the process of this ordinance and identify that the information necessary for findings and conditions under the Subdivision Map Act have been met.

F. A public hearing shall be held before the City Council on all petitions for reversions to acreage. Notice of the public hearing shall be given as provided in Section 66451.3 of the Government Code.

G. After the hearing before the City Council, and Council approval of the reversion to acreage, the Parcel Map shall be processed in accordance with this ordinance.

**711. MERGER AND UNMERGING OF PARCELS.** The City of Blue Lake hereby enacts as a part of this ordinance provisions for merger and unmerging of parcels in accordance with provisions of Article 1.5 of Chapter 3 of the Subdivision Map Act commencing with Section 66451.10, and the provisions of this ordinance.

A. Requirements for parcel merger shall be in accordance with Government Code Section 66451.11. Application shall be made to the City containing the same information as required for a Parcel Map in accordance with this ordinance and in accordance with Government Code Section 66451.11.

B. The effective date of merger shall be in accordance with Government Code Section 66451.12.

**C. Notification of intention to merger and the procedure for hearing shall be in conformance with Government Code Sections 66451.10 through 66451.21.**

**ARTICLE 8.  
EXCLUSIONS**

**801. EXCLUSIONS AUTHORIZED.** Real property included within the boundaries of a subdivision may be excluded from such subdivision in accordance with Article 2 of Chapter 6 of the Subdivision Map Act, commencing with Section 66499.21.

**ARTICLE 9.**  
**DEVELOPMENT RIGHTS, CERTIFICATES AND COMPLIANCE**

**901. VESTING TENTATIVE MAP.** Wherever provision of Subdivision Map Act or this ordinance requires a Tentative Map to be filed, a Vesting Tentative Map may instead be filed. This ordinance incorporates the Vesting Tentative Map procedure set forth in Chapter 4.5 of the Subdivision Map Act, commencing with Section 66498.1.

**902. CERTIFICATE OF COMPLIANCE.** Any person owning property in the City of Blue Lake may request a determination by the City Engineer, at the applicant's expense, whether the property complies with the provisions of this ordinance and the Subdivision Map Act. Upon determination of compliance, the City Engineer will cause a Certificate of Compliance to be filed for record with the County Recorder of Humboldt. The certificate shall identify the subject property and state that the property complies with the provisions of the City of Blue Lake Municipal Ordinance and the Map Act.

**A.** The City Engineer may determine that a property does not comply with the Subdivision Map Act or this ordinance, and may impose conditions of approval on the subject parcel, prior to granting Certificate of Compliance. Upon fulfillment of the conditions, the City Engineer will cause the Certificate of Compliance to be issued consistent with the provisions of Government Code Section 66412.6.

**B.** A recorded Final or Parcel Map shall constitute a certificate of compliance with respect to the subject parcels described therein.

**C.** A fee will be assessed to the applicant for the determination and processing of the Certificate of Compliance in accordance with the City of Blue Lake Master Fee Schedule.

**D.** Any certificate of compliance issued under this section shall comply with Government Code Section 66499.35

**ARTICLE 10.**  
**ENFORCEMENT AND JUDICIAL REVIEW**

**1001. PROHIBITION AND PENALTY.** Prohibitions and penalties shall be as defined in this ordinance and Chapter 7 of the Subdivision Map Act, commencing with Section 66499.30.

**1002. REMEDIES.** Remedies to any action shall be in accordance with this ordinance and Article 2 of Chapter 7 of the Subdivision Map Act, commencing with Section 66499.32.

**ARTICLE 11.  
OFFICIAL MAPS**

**1101. OFFICIAL MAPS.** Official maps may be prepared by the City Engineer or City Surveyor in accordance with Government Code Sections 66499.50 through 66499.58.



## **ARTICLE 12.**

### **APPEAL**

**1201. APPEAL BY SUBDIVIDER.** The subdivider, or any tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartments project, or stock cooperative project, may appeal from any action of the Planning Commission, or from a final administrative determination by the City Planner, City Engineer, or Director of Public Works, to the City Council. The appeal shall be filed with the City Clerk within ten (10) days after the action of the Planning Commission or administrator from which the appeal is being taken. Upon the filing of an appeal, the City Council shall set the matter for hearing. The hearing shall be held within thirty (30) days after the date of filing the appeal. Within ten (10) days following the conclusion of the hearing, the City Council shall render its decision on the appeal. The decision shall comply with the provisions of Government Code Sections 66473, 66473.5, and 66474, and shall include any findings required by those sections.

**1202. APPROVAL BY FAILURE TO ACT.** On an appeal with respect to a Tentative Map, if the City Council fails to act upon the appeal within the time limit specified in Section 1201 of this ordinance, the Tentative Map, insofar as it complies with applicable requirements of the Subdivision Map Act and this ordinance, shall be deemed to be approved or conditionally approved as last approved or conditionally approved, and it shall be the duty of the City Clerk to certify or state that approval.

**1203. COMPLAINT OF ANY INTERESTED PERSON.** Any interested person adversely affected by the decision of the Planning Commission or a final administrative decision of the City Planner, City Engineer, or Director of Public Works, may file a complaint with the City Council concerning any such decision. The complaint shall be filed with the City Clerk within ten (10) days after the action of the Planning Commission or administrator which is the subject of the complaint. Upon the filing of the complaint, the City Council shall set the matter for hearing. The hearing shall be held within thirty days after the filing of the complaint. The hearing may be a public hearing for which notice shall be given in the time and manner provided. Upon conclusion of the hearing, the City Council shall, within seven (7) days, declare its findings based upon the testimony and documents produced before it or before the Planning Commission or the administrator. It may sustain, modify, reject, or overrule any recommendations or rulings of the Planning Commission or administrator and may make any findings which are not inconsistent with the provisions of the Subdivision Map Act or this ordinance.

**1204. NOTICING.** Notice of each hearing provided for in this Article 12 shall be sent by United States mail to each tenant of the subject property, in the case of conversion of residential real property to a condominium project, community apartments project, or stock cooperative project, at least three (3) days prior to the hearing. The notice requirement of this section shall be deemed satisfied if the notice complies with the legal requirements for service by mail. Pursuant to Government Code Section 66451.2, fees may be collected from the subdivider or from persons appealing or filing a complaint for expenses incurred under this section.

**ARTICLE 13.  
VALIDITY**

**1301. VALIDITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City of Blue Lake, State of California, hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses or phrases be declared invalid or unconstitutional.

**ARTICLE 14.**  
**PENALTIES, ENFORCEMENT, CONSTITUTIONALITY,**  
**REPEAL OF INCONSISTENT ORDINANCE PROVISIONS,**  
**AND ENACTMENT**

**1401. PENALTIES.** Any person, firm, corporation, copartnership who willfully violates any of the provisions or fails to comply with any of the mandatory requirements of this ordinance is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed ten thousand dollars (\$10,000.00) or by imprisonment in the county jail, not to exceed twelve (12) months or by both fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which the City of Blue Lake or other political subdivision, or any person, firm, corporation, partnership, or copartnership may otherwise be entitled, and the City of Blue Lake or any other political subdivision or person, firm, corporation, partnership, or copartnership may file a suit in the Superior Court of the State of California in and for the County of Humboldt to restrain or enjoin any attempted or proposed subdivision or sale in violation of this ordinance.

**1402. ENFORCEMENT.** It shall be the responsibility of the City Clerk to notify the City Attorney of any violation of this ordinance and to sign any necessary complaints.

**A.** No person shall sell, lease, or finance any parcel or parcels of real property, or commence construction on any building for sale, lease, or financing, except model homes or allow occupancy thereof, for which a Final Map is required by this ordinance or the Map Act, until the Final Map is in full compliance with this ordinance and the Map Act.

**B.** No person shall sell, lease, or finance any parcel or parcels of real property, or commence construction on any building for sale, lease, or financing, except model homes or allow occupancy thereof, for which a Parcel Map is required by this ordinance or the Map Act, until the Parcel Map is in full compliance with this ordinance and the Map Act.

**C.** Conveyances of any part of a division of real property for which a Final or Parcel Map is required shall not be made by parcel or block number, initial or other designation unless and until the Final or Parcel Map has been filed for record by the County Recorder of Humboldt County.

**D.** Nothing in subsections A, B or C of Section 1402 of this ordinance shall prohibit an offer or contract to sell, lease, or finance real property or construct improvement thereon where the sale, lease, or financing or initiation of improvement construction is expressly conditioned upon filing of the Final or Parcel Map, as required by this ordinance and the Subdivision Map Act.

**1403. EXCEPTIONS.** Section 1402, A, B, C, and D of this ordinance do not apply to any parcel or parcels in a subdivision offered for sale, or lease contracted for sale or lease, or sold or leased in compliance with or exempt from any law regulating the design and improvements of subdivision in effect at the time the subdivision was established.

**1404. REMEDIES.** Any deed of conveyance, sale or contract to sell which results in a violation is voidable at the option of the grantee, buyer or person contracting to purchase within one (1) year of the date of discovery of the violation and is subject to the other provisions of the Map Act and this ordinance.

**1405. REPEAL.** All ordinances and parts of ordinances of the City of Blue Lake in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed. Ordinance No. 390 is specifically repealed and replaced by this ordinance.

**1406. EFFECTIVE DATE.** This ordinance shall become effective thirty (30) days after the date of this enactment.

**Passed and adopted by the Council of the City of Blue Lake, County of Humboldt,  
State of California, on the 9th day of May, 1995, by the following vote:**

**AYES: Jones, Schapiro, Fisher, Ricca, Sheets**

**NAYS: None**

**ABSENT: None**

**APPROVED:**

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**Mayor**

**ATTEST:**

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**City Clerk**